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THE CASE FOR TOWN PLANNING.

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# THE CASE FOR TOWN PLANNING · A PRACTICAL MAN- UAL FOR THE USE OF COUNCILLORS, OFFICERS, AND OTHERS ENGAGED IN THE PREPARATION OF TOWN PLANNING ————— SCHEMES —————

BY

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THIS BOOK IS INSCRIBED TO THE MEMORY OF  
WILLIAM THOMPSON,  
FIRST CHAIRMAN OF THE NATIONAL HOUSING AND  
TOWN PLANNING COUNCIL.

---

*"One who always marched breast forward."*



## PREFACE.

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THE writing of this book was projected in a time of peace, but for the greater part it has been written in a time of war. It has been suggested that its publication should be delayed until the close of this period of national stress and strain, but this advice has not been followed, and for two reasons.

The first of these reasons is that many members and officers of Local Authorities, and others interested in the subject of Town Planning, have been kind enough to order copies of the book in advance, and as a result the financial risk in publishing has been appreciably lessened. The second reason is that Councillors and Officers of Local Authorities in Great Britain are quietly and steadily proceeding with their work of administration in calm confidence that the storm will pass away and that the foundations of our national life will be as secure as ever they were.

It is for men of this type and this temper that the book has been written. It is hoped that with this book in their hands they will be able to use the period of waiting by quietly maturing their plans for the period of fresh activity and growth which will follow the war.

From one point of view indeed the period in which this book is published is a specially favourable one. The sense of common citizenship was never greater than it is to-day, and proposals in regard to the improvement of the conditions under which the masses of the people live will receive warm support.

Of the many criticisms which will be expressed in regard to this book the chief will certainly be that it is more a compilation than a book. If this be a fault, then it has been deliberately committed. Many quotations have been made on the ground that they will help to make clear several difficult points. If this desirable result is attained, then the main object in the writing of this book will be achieved.

My thanks are due to many for their aid, for the loan of blocks, for permission to quote extracts from their reports &c., &c. In this relation I may specially mention Mr. Patrick Abercrombie (the Editor of the "Town Planning Review"), Mr. Fletcher T. Turton (the Housing Manager of the Liverpool Corporation), Mr. J. S. Brodie (the Liverpool City Engineer), Mr. Ewart G. Culpin (Secretary, Garden Cities and Town Planning Association), Mr. W. Louis Carr (the Surveyor to the Ruislip-Northwood Urban District Council), Sir W. H. Lever, Mr. John H. Barlow (Secretary, Bournville Village Trust), Mr. W. S. Body (Clerk to the Town Planning Committee of the Birmingham City Council), Mr. Albert E. Cave (Editor of the "Municipal Journal"), the Co-partnership Tenants Housing Council, and the Royal Institute of British Architects.

A tribute of thanks is also due to Mr. W. G. Hubbard—the Manager of the Leicester Co-operative Printing Society—whose thought and care has been shewn in many practical ways.

It had been arranged that the Appendix should be written by Alderman Thompson. His death in May 1914, robbed the Housing and Town Planning movement of the best of its pioneers and leaders. He had not entered upon this task, and it was necessary therefore to secure other collaborators. With great kindness Messrs. Elgood and Abbott consented to prepare the Appendix in his stead, and my warm thanks are due to them.

Last, but not least, I have to thank Councillor Harold Shawcross for permission to quote from his valuable reports, for reading the proofs, and more especially for his sound and vigorous criticism in all the stages of the preparation of the book.

H. R. A.

41, RUSSELL SQUARE,  
LONDON, W.C.  
*July, 1915.*

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# PART I.

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## INTRODUCTORY CHAPTER.

**I**N Part I. of this book the case for Town Planning is considered from two points of view.

The first point of view is that of actual achievement throughout those centuries in which the art of Town Planning has been studied and practised, and although the chapters devoted to this branch of the subject only contain a brief historical outline, yet it is hoped that this record of achievement will be found sufficient to establish the fact that so far from Town Planning being a "modern fad," it is one of the oldest of the arts evolved in the slow development of organised civic life in civilised countries.

The value of the appeal to history in favour of present Town Planning action should not be underestimated. To many good citizens the fact that their forefathers found in practice that a certain course of action was of real service to them, constitutes in itself a reason why they should follow in the same path. For citizens of this type there will be no need to do more than state the historical case for Town Planning action. This, for them, will in itself constitute a reason for taking in hand the work of Town Planning administration.

But the greater body of citizens, and especially those responsible for the municipal government of great industrial communities, are not content to do things to-day because their fathers did them in the past. Progress to them consists in abandoning the bad examples of the past and in adopting new standards of life, and they, rightly, demand that other than traditional reasons shall be given for action which calls for the expenditure of municipal energy.

For this reason the case for Town Planning has also been dealt with from a second point of view—the point of view of those members or officers of a Local Authority who are responsible for the good government of a town, and who can only be persuaded to undertake the work of preparing Town Planning schemes if it can be proved to their satisfaction, that as a result of such action public health will be improved, the amenities of life increased, and wise economy observed both in saving the money of the ratepayers and in expending it.



Unless the case for Town Planning can be clearly demonstrated as based on the vital needs of modern communities, and as arising from the conditions of modern civic life, then the appeal for municipal action will be made to them in vain.

It is hoped, however, that an overwhelming case for such action has been demonstrated in this book, and that in reading these pages practical administrators will be convinced that it is their duty to place in hand the preparation of Town Planning schemes, thus obtaining a full measure of the benefits which it is the privilege of wise municipal statesmen to secure for the communities governed and guided by them.

## CHAPTER I.

## TOWN PLANNING IN THE ANCIENT WORLD.

**I**N the study of the foundation and growth of ancient and mediæval cities two points of importance become clear:—

(1) That several of the cities whose history forms part of the general history of civilisation were carefully and deliberately planned;

(2) That to those engaged in the work of preparing modern town planning schemes the value of all examples of town planning prior to the period of the Renaissance is so small as to be a negligible quantity.

Whilst, therefore, it will be of service to pass in retrospect the town planning achievements of the ancient and mediæval world no attempt will be made in this book to do more than give a brief historical survey of a period from which modern town planners have few, if any, lessons to learn.

## THE OLDEST EXAMPLE OF TOWN PLANNING.

There would seem to be general agreement that the oldest example of town planning as yet discovered is that of Kahun, in Egypt—a town constructed for the purpose of housing the workmen engaged in building the pyramid of Illahun, and dating from about 2500 B.C.

Not the least valuable of the records of the series of excavations undertaken by Professor Flinders Petrie relates to this city of Kahun, and with his permission the accompanying plan and the following extracts from his book (*Illahun, Kahun and Gorub*) are reproduced. Professor Petrie writes:—

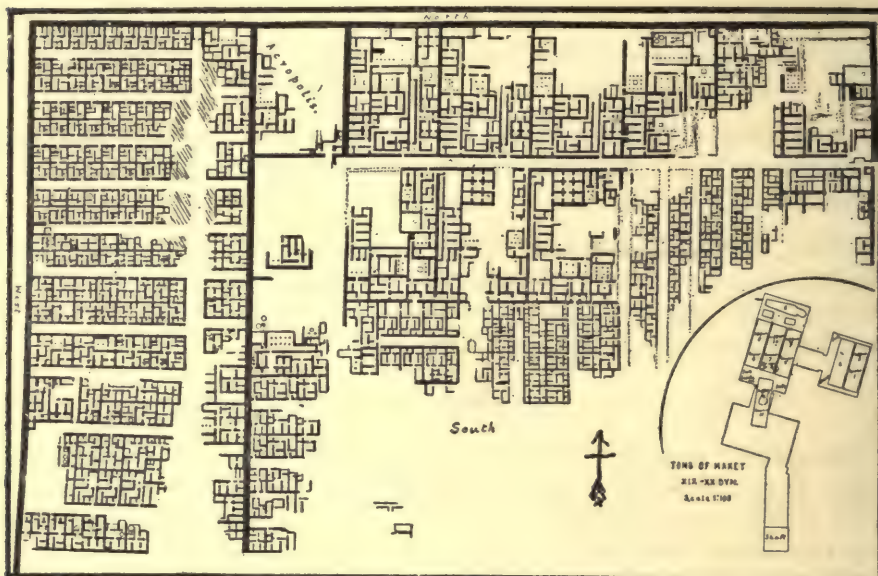
“As this is the first time that the complete plan of an Egyptian town has been ever disclosed we shall examine it in some detail; and it is of special interest, not only from the early date, but from its having been laid out evidently by a single architect on a regular plan.

“On first looking at the plan it is seen that the town is of two parts: the eastern part—nearly as long as it is wide—and the western part, which is built outside the thick wall and which is a strip of closely packed workmen's houses.

“The western part is however nearly of the same date as the other, as such a barrack would never have been wanted here except for the pyramid builders, and its boundary line is laid out to fit the line of the temple front.

" The geography of the place explains its outline—the Nile Valley edge runs from South West to North East, along the bottom edge of the town. The buildings are all in a slight hollow, bounded by a rise on the west, running from the temple across to the Acropolis, and a rise on the north on which the north wall is built.

" All the streets appear to have had a channel of stone down the middle—such was found in the long East-West street and in several of the small eastern streets, and therefore probably general. This channel is not deep, but rather a slightly curved hollowing of the upper sides of the line of stone, which is about 22 inches wide. Probably therefore the



Town Plan of Kahun (Founded about 2500 B.C.).

street sloped down to the middle, like an old English street to the kennel, and thus occasional rain, and waste water from the houses, would be led off without making the street muddy. This is far the earliest example of street drainage known; and the system must have been general in Egypt for it to have been used in a labourers' town such as this."

Describing the workmen's streets, Professor Flinders Petrie writes :—

" The houses have four or five rooms each, with steps leading up to the roof. Each house, therefore, probably had an enclosed court on the roof, like a modern Egyptian dwelling, where fuel and straw could be stacked. Many of these houses contain granaries.

" The roofing of the houses was usually made with beams of wood on which poles were placed, and to these were lashed down bundles of straw or reeds. The mud plastering was then applied both inside and outside, and many fragments of this roofing were found in the ruins.



"Occasionally a barrel vault of brickwork was thrown across the whole room. The upper part is so generally destroyed that we cannot often find any of the roof, but one large room in the western part of the town, and some of the rooms in the first North Mansion (where the wall was preserved against the Acropolis) shew us the brick vaulting. There is no evidence of centering being used to build the vault on; and probably where wood was so scarce as in Egypt, it would be a better and simpler plan to fill the chamber with sand and lay the bricks on the sand, until the arch was completed, emptying the chamber by the doorway. All of the doorways so far as they are preserved, are arched over with semi-circular arches two courses deep of brick on edge. The spacing of the bricks on the outer edge, to give the *voussoir* form is done by chips of limestone wedged in.

"Rats were as great a plague in the XIIth dynasty as they are at present in Egypt. Nearly every room has its corner tunnelled by the rats; and the holes are stuffed up with stones and rubbish to keep them back."

### TOWN PLANNING IN THE VALLEY OF THE EUPHRATES.

Many of the great cities founded before the period of Macedonian and Greek dominance of the ancient world shew distinct signs of town planning care. Of these Babylon, Nineveh, Asshur and Ephesus are the most famous.

According to Herodotus (Wheeler's "Geography of Herodotus," page 259) :—

"Babylon stood in an extensive plain and formed a square of which each side measured 120 stadia or about 15 English miles. It therefore occupied an area of about 225 square miles. On every side was a wide and deep ditch full of water, and within there was a wall 50 royal cubits in breadth, or thickness, and 200 royal cubits in height. The royal cubit was longer than the common one, by the breadth of three digits.\*

"The wall was built in the following manner. The earth which was thrown up in digging the moat was at once converted into bricks which were baked in kilns. Hot asphalt from the river Is (or Hit) was used for cement, and wattled reeds were placed between the thirty bottom layers of bricks.

"The sides of the moat were built up first and then the wall. On the top of the wall, and along its whole extent, were built houses or towers, one story high, and between each of these towers sufficient space was left to turn a chariot with four horses. There were also one hundred gates in the wall made entirely of brass, posts and lintels not excepted.

"The whole city was divided into two parts by the river Euphrates, which flowed through its centre; and walls of baked bricks ran along the curvatures of each bank, and thus united the two elbows of the outer wall. The city itself was full of houses three or four stories high, and arranged in straight streets intersecting one another. Where the streets descended towards the river there were brazen gates opening through the river wall and leading down to the water's edge. Beside the great city wall already described and which was the chief defence, there was another wall within it not much lower in height, but not so thick.

"The only communication in ancient times between the two divisions of the city was by means of a ferry across the Euphrates. At length Nitocris had the river turned into a reservoir and built a bridge (or rather piers) in the centre of the city composed of large blocks of stone clamped together with iron and lead. During the days square planks of timber were laid upon these stone piers in order that the people might pass over, but at night these planks were removed to prevent thieves from gliding about to different parts of the city."

---

\* The unit of measurement known as a cubit varied from 17 to 22 inches.

To what extent this is a "traveller's tale" it is difficult to determine, but Professor Haverfield in his admirable book on "Ancient Town Planning," says of this story of Herodotus :—

"Whatever he saw and whatever his accuracy of observation and memory, not all of his story can be true. His Babylon covers nearly 200 square miles; its walls are over 50 miles long and 30 yards thick and all but 120 yards high; its gates are a mile and a half apart. The area of London to-day is no more than 130 square miles, and the topmost point of St. Paul's is barely 130 yards high. Nanking is the largest city-site in China and its walls are the work of an Empire greater than Babylon; but they measure less than 24 miles in circuit, and they are or were little more than 30 ft. thick and 70 ft. high. Moreover, Herodotus's account of the walls has to be set beside a statement which he makes elsewhere, that they had been razed by Darius sixty or seventy years before his visit."

Two points have however been placed beyond question as a result of careful investigation. These are (1) that the city was traversed by a broad, processional road, used for religious purposes and for the display of triumphal power, and (2) that the city was girdled by a wall of from five to six miles in length.

#### THE FIRST TOWN PLANNER OF HISTORY.

That the art of town planning was studied and practised in the fifth century B.C. is clearly proved by the fact that Aristotle in discussing the desiderata of an ideal city (*Politics*, Book 4, Chapters xi. and xii.) refers to the town planning work of Hippodamus, who may therefore be called the first town planner known to history.

No direct records of the town planning theories of Hippodamus have survived, but it is clear that he acted in accordance with definite, clear cut principles—especially in regard to the grouping of houses, the planning of straight streets and the keeping of a proportionate balance between the various parts of a town. The planning of the Piræus (the port of Athens) was without doubt his work.

The following description of Hippodamus given by Aristotle, shews that he was interested in theories of government as well as in theories of city development (*Politics*, Book 2, Chapter 8—Wellson translation) :—

"The first person, not being a practical politician, who set himself to make a statement of the best polity, was Hippodamus, the son of Euryphon, of Miletus, the same who invented the method of partitioning cities and laid out the Piræus with intersecting streets—a man who in his love of ostentation made himself rather eccentric in his general life, so that to some people his manner of living appeared extravagant from his thick, flowing locks and the adornments of his dress, which although simple was worn not only in winter, but in the summer months as well yet who at the same time aspired to be a man of learning in all the domain of physical science."



## ARISTOTLE ON THE CHARACTERISTICS OF THE IDEAL CITY.

Aristotle himself discusses in detail the characteristics of the ideal city (*Politics*, Book 4, Chapter xi.—Welldon translation):—

“ But to revert to the city. We have already stated that it ought to communicate with the mainland and the sea, and, so far as circumstances permit, with all parts of the country equally. As to its position in itself and without reference to anything outside, if it is to be a fortunate one, there are four points to which we are bound to pay regard in our ideal. The first, as is inevitable, is health. The healthiest cities are those which stand upon a slope inclining to the East and so to the winds which blow from the quarter of the sunrise. The next best aspect is one that is sheltered from the north wind, as cities so sheltered enjoy milder winters. Next amongst our desiderata the ideal city must be favourably situated for political and military action. In respect to the latter it should be easy of egress for the citizens and hard for enemies to approach or blockade—also it should if possible possess a number of wells and fresh springs, or, failing these, the supply should be provided by the construction of a great quantity of cisterns to receive the rain water so that the citizens may never run short of water if they are cut off from the country in consequence of war. And further, as the health of the inhabitants is a matter which deserves attention and this depends in the first place upon the situation of the city being fortunately in a healthy country and enjoying a healthy aspect, and secondly upon its having a good supply of water; this last point is one which deserves attention as of capital importance. For the things of which we make most and frequent use for our bodies have the greatest influence upon our state of health, and the effect of water and air is of this nature. Accordingly in any sensible state if the springs are not all equally good or there is not an abundance of good springs, a distinction should be made between the water which is used for drinking and the water which is used for other purposes.

“ Coming to the question of strongholds we find that what is advantageous to one polity is not advantageous to another. Thus a citadel is suitable to an Oligarchy or a Monarchy, little good to a Democracy. Neither of these, but on the contrary, a number of strongholds to an Aristocracy.”

## THE NEED FOR DEFENSIVE WALLS.

The arguments in favour of city walls as a means of defence against the attack of enemies are thus stated by Aristotle:—

“ Upon the question of walls the idea that they ought not to exist in states which affect a character for value is utterly out of date, especially in view of the fact that the States which prided themselves upon having no walls are proved by experience to be in the wrong. It is true that when we have to deal with none but enemies similar to ourselves in character and only slightly superior in numbers, there is something discreditable in the endeavour to protect ourselves by the strength of our walls. But as it is often a fact and always a possibility that the superior force of the assailants should be too great for the unaided personal valour of a small number of citizens, the only way to protect ourselves and to be safe against injury and dishonour is to look upon the strongest defence in the way of walls as in the highest degree a resource of military skill—especially in these days when the missiles and engines of blockade have been brought to so high a pitch of perfection.

"The demand that we should not surround our cities with a ring of walls is much like the demand that we should choose for our country one that is easily exposed to invasions and should raze all the high ground that protects it or our private houses without walls for fear the inhabitants should become cowards if they were protected by them. And this too is a fact which we ought to keep in view, that people who live within a ring of walls have the chance of using their cities in two ways, *i.e.*, both as having and not having walls, which is not the case with those who do not possess any walls. If this is so it follows that not only must we enclose our city in walls but must take care that they are at once appropriate to it as an embellishment and as a defence in need against military attacks, especially of the kind lately invented."

### THE LACK OF PLANNING IN ATHENS AND SPARTA.

Value in practice of these early Greek discussions of the principles of city building cannot be traced in the older cities of Greece, such as Athens and Sparta—the reason without doubt being that the form of these cities was determined in the years before the coming of the great era of Greek power and wealth. Athens itself, apart from the centres of communal life, was in many ways a squalid city. Professor Haverfield describes it as—

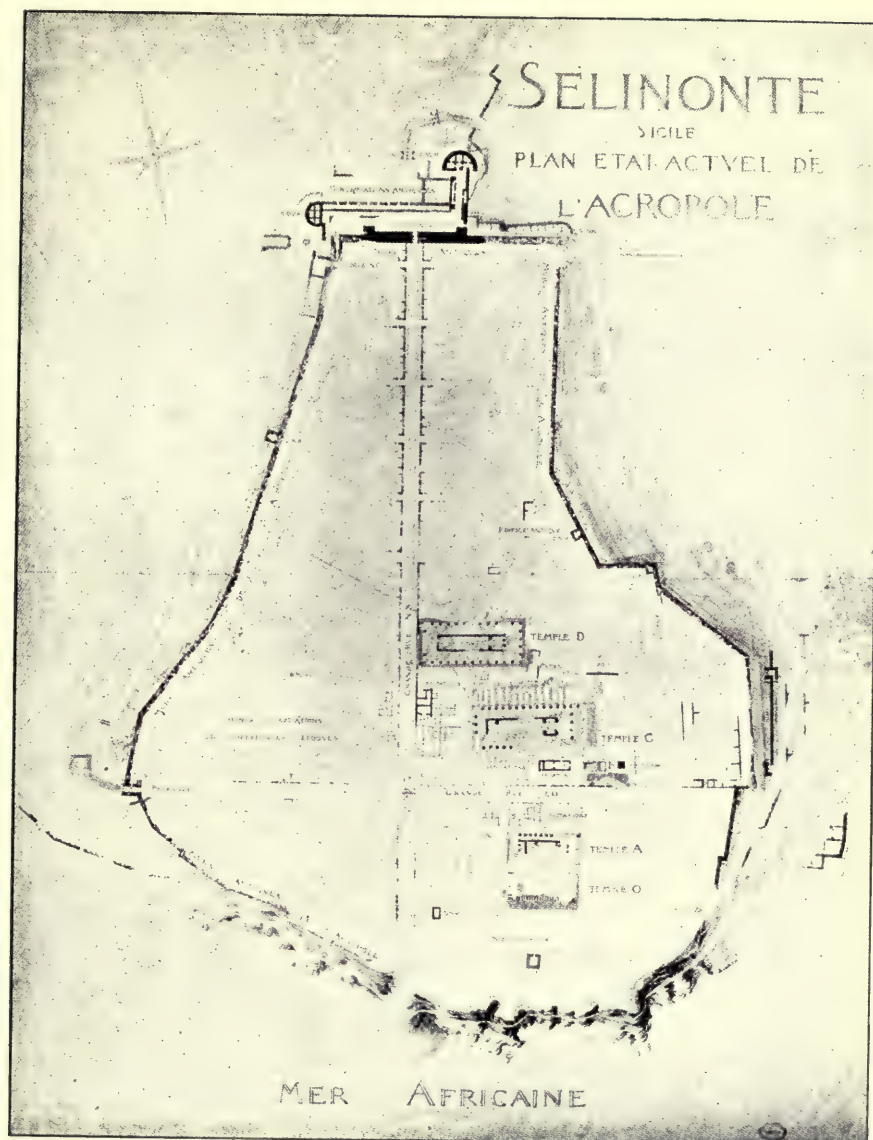
"An almost oriental mixture of splendid public buildings with mean and ill-grouped houses. Not a few passages in Greek literature speak more or less clearly of the streets of Athens as narrow and tortuous, unpaved, unlighted, and more like a chaos of mud and sewerage than even the usual Greek road. Sparta was worse. There, neither public nor private buildings were admirable, and the historian Thucydides turned aside to note the meanness of the town."

The point of importance is, however, that with the wonderful clarity and power of analysis which marks the work of the Grecian philosophers, problems of city planning were clearly outlined and definitely considered, and when Greece "crossed the Alps"—to use the phrase of Erasmus—those princes and governors who desired to study the principles of government turned with delight to the crystal-clear expositions of Plato and Aristotle concerning the art of government. Sitting at the feet of these masters they accepted as a part of the task of good government the proper planning of the cities which in the development of their kingdoms they might desire to establish.

### TOWN PLANNING IN GREEK AND MACEDONIAN COLONIES.

It has been stated above that the effect of the theories of Hippodamus and Aristotle cannot be traced in the planning of the ancient cities of Greece. There is, however, abundant proof that a number of cities—and especially colonial cities established in the six centuries before the Christian era—first under the Greek and then later under Macedonian domination—were definitely planned.





**Plan of Selinus.**

(The above plan shows the actual excavations. It will be seen on studying this plan that, as in the case of Kahun (see page 12), the planning was of a deliberate and definite kind.)





**Plan of Priene.**

(A complete description of this plan is given on page 21.)





An interesting example of Greek influence on town planning has been carefully studied and described by M. Gustav Fougeres and M. Jean Hulot, and the accompanying illustration of Selinus (page 17) is reproduced with their kind permission.

This city of Selinus (or Selinonte) was a Greek colony in the north of Sicily, and the plan is attributed to Hermocrates, a follower of Hippodamus. M. Hulot points out that this is the oldest example known of the application to the layout of towns of the geometric principles of Hippodamus.

Another interesting example of city planning belonging to this period of Græco-Macedonian power, is that of Priene. Of this city Professor Haverfield says:—

"Priene was a little town on the east coast of the Aegean. The high ridge of Mycale towered above it; Miletus faced it across an estuary; Samos stood out seawards to the west. In the first dim days it had been perched on a crag that juts out from the overhanging mountain; there its life began, we hardly know when, in the dawn of Greek history. But it had been worn down in the fifth century between the upper and the nether millstone of the rival powers of Samos and Miletus. Early in the Macedonian age it was refounded. The old Acropolis was given up. Instead a broad sloping terrace, or more exactly a series of terraces, nearer the foot of the hill, was laid out with public buildings—Agora, Theatre, Stoa, Gymnasium, Temples, and so forth—and with private houses. The whole covered an area of about 750 yards in length and 500 yards in width. Priene was, therefore, about half the size of Pompeii. It had, as its excavators calculate, about 400 individual dwelling-houses and a population possibly to be reckoned at 4,000.

"In the centre was the Agora or market place; with a temple and other large buildings facing on to it; round them were other public buildings and some eighty blocks of private houses, each block measuring on an average 40 by 50 yards and containing four or five houses. The broader streets, rarely more than 23 feet wide, ran level along the terraces and parallel to one another. Other narrower streets, generally about 10 feet wide, ran at right angles up the slopes, with steps like those of the older Scarborough or of Assisi. The whole area has not yet been explored, and we do not know whether the houses were smaller or larger, richer or poorer, in one quarter than in another, but the regularity of the street-plan certainly extended over the whole site.

"Despite this reasoned and systematic arrangement, no striking artistic effects appear to have been attempted. No streets give vistas of stately buildings. No squares, save that of the Agora—120 by 230 feet within an encircling colonnade—provide open spaces where larger buildings might be grouped and properly seen. Open spaces, indeed, such as we meet in mediæval and Renaissance Italy or in modern English towns of eighteenth century construction, were very rare in Priene. Gardens, too, must have been almost entirely absent. In the area as yet uncovered, scarcely a single dwelling house possessed any garden ground or yard."

The accompanying plan of Priene is reproduced from the picture by A. Zippelius.

To the same period belongs the foundation of Alexandria, Miletus and many other cities. The characteristic feature of all, or nearly all, of these cities is that those parts of the town area which are not devoted to public buildings are divided

into rectangular sites, and it has been conjectured that the reason for the adoption of this chess-board method of planning is to be found not so much in the existence of any theory as to the value of this method of lay-out, as in the need for clearly defining the sites on which houses could be built by colonists establishing themselves in outposts of the Macedonian Empire.

### TOWN PLANNING IN THE ROMAN WORLD.

As in the case of Athens, so in the case of Rome, it is not possible to trace the existence of any kind of systematic town planning. Dr. Thos. Ashby—the leading authority on Town Planning in the Roman World, says :—

“ The city as a whole, however, seems to have grown up quite unsystematically ; it had narrow and ill built streets and the central portion, between the hills and the river, was cramped and overcrowded.”

By the time pride in their city was sufficiently strong to induce the governors and citizens to give consideration to the general lines of growth the difficulties of replanning Rome on well-thought-out lines were insuperable, and although some great processional roads were constructed, nothing was done to replan the central parts of the city.

Apart from Pompeii—which as will be seen from the illustration on page 23 was laid out on clear and definite lines—the best examples of the influences of town planning on the Roman world are to be found in the various cities built by the Romans in the distant parts of their Empire to control the lands they had won by conquest.

The severity and clearness of the lines adopted by the Roman conquerors in the planning of these cities of occupation can be seen from a description of Timgad—a colony of soldiers established on the southern shores of the Mediterranean in what is now Algeria. Of this definite method of colonisation and of the establishment of Timgad, Professor Haverfield says :—

“ The town of Thaumgadi, now Timgad, lay on the northern skirts of Mount Aures, halfway between Constantine and Biskra and about a hundred miles from the Mediterranean coast. Here the emperor Trajan founded in A.D. 100 a ‘ colonia ’ on ground then wholly uninhabited, and peopled it with time-expired soldiers from the Third Legion which garrisoned the neighbouring fortress of Lambaesis. The town grew. Soon after the middle of the second century it was more than half a mile from north to south ; though not definitely known, it cannot have been much less. The first settlement was smaller. So far as it has been uncovered by French archæologists—sufficiently for our purpose, though not completely—the ‘ colonia ’ of Trajan appears to have been some 29 or 30 acres in extent within the walls and almost square in outline (360 by 390 yards). It was entered by four principal gates, three of which can still be traced quite clearly, and which stood in the middle of their respective sides ; the position of the south gate is doubtful. According to Dr. Barthel, the street which joins the east and west gates was laid out to point to the sunrise of September 18th, the birthday of Trajan.



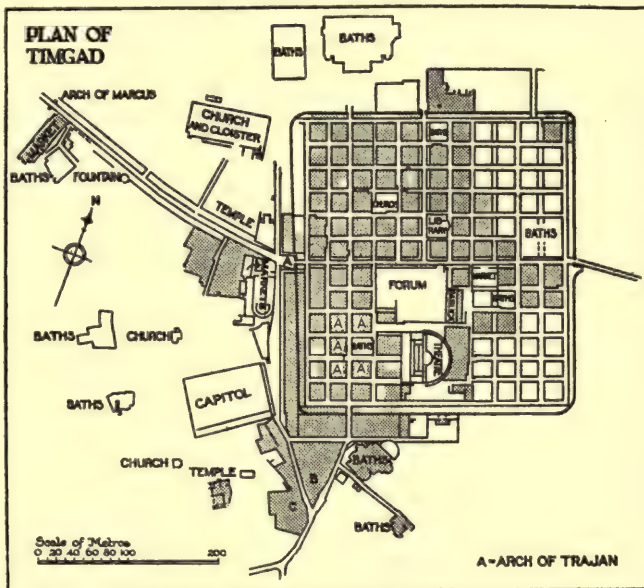
Plan of Pompeii.







"The interior of the town was divided by streets into a chess-board pattern of small square house-blocks; from north to south there were twelve such blocks and from east to west eleven—not twelve, as is often stated. The possible total of 132 'insulæ' was however diminished by the space needed for public buildings, though it is not easy to tell how great this space was in the original town. A competent writer on the subject—Dr. Barthel—allows seven blocks for public purposes in the original town, but this seems too little. The blocks themselves measured on the average a square of 70 Roman feet (23 by 23 yards) and may have contained one, two, three, or even four houses apiece, but they have undergone so many changes that their original arrangements are not at all clear. The streets which divided these blocks were 15 to 16 feet wide; the two main streets, which ran to the principal gates, were further widened by colonnades and paved with superior flagging. All the streets had well-built sewers beneath them."



Plan of Timgad.

(Reproduced by kind permission of Messrs. Cagnat and Ballu).

## THE BEGINNINGS OF LONDON AND PARIS.

It is in the same period of Roman power than the two great cities of Western Europe—Paris and London—first appear in the light of history. The determining factor in the choice of the sites for these two great cities would seem to be curiously identical if the interesting theory put forward by Mr. Inigo Triggs ("Town Planning, Past, Present and Possible") is accepted:—

"The sites of both London and Paris were determined by the advantages offered for fording the Thames and the Seine. In the case of London it was not possible to cross the river near the mouth owing to its depth, but near where the Abbey of Westminster

now stands the river spread its course over many miles of marshes, and when the tide went out it became comparatively easy to cross on foot. The early Britons established their Lake fort or Lyndyn, on a hill rising about 60 feet above the sea level near the spot where now stands St. Paul's Cathedral. To the east and west it was protected by two small rivers, the Walbrook and the Fleet, and behind it the marshes of Finsbury guarded against attack from the north. In front, the broad lagoon of the Thames estuary, with steep clay banks, served both as a highway for commerce and also as a defence. On the arrival of the Romans they found London a flourishing trade centre. They fortified the hill on the east side of the Walbrook and erected a walled citadel.

"Paris first appears in history as a little cluster of huts upon a group of islands in the Seine, near the point where the waters of many branches converge in the main stream; the land around was for the most part flat and marshy. The position was probably chosen entirely on account of its defensibility. The surrounding country was not unprepossessing—a shallow basin with a quiet river winding through and surrounded by a circle of low limestone hills.

"The boatmen of the Seine, Cæsar's Parisii, found in the little group of islands a safe and convenient entrepot, and during the period of Roman domination developed an interesting organisation, the Nautæ Parisiaci, which became in the Middle Ages the Marchands de l'Eau, and in the end the Municipality of Paris. They left their symbolic ship on the civic seal. The cluster of islands in the Seine was not only a convenient haven of exchange, but also gave passage to the main Gallo-Roman road, which came up from Orleans and went on to Belgium and Britain."

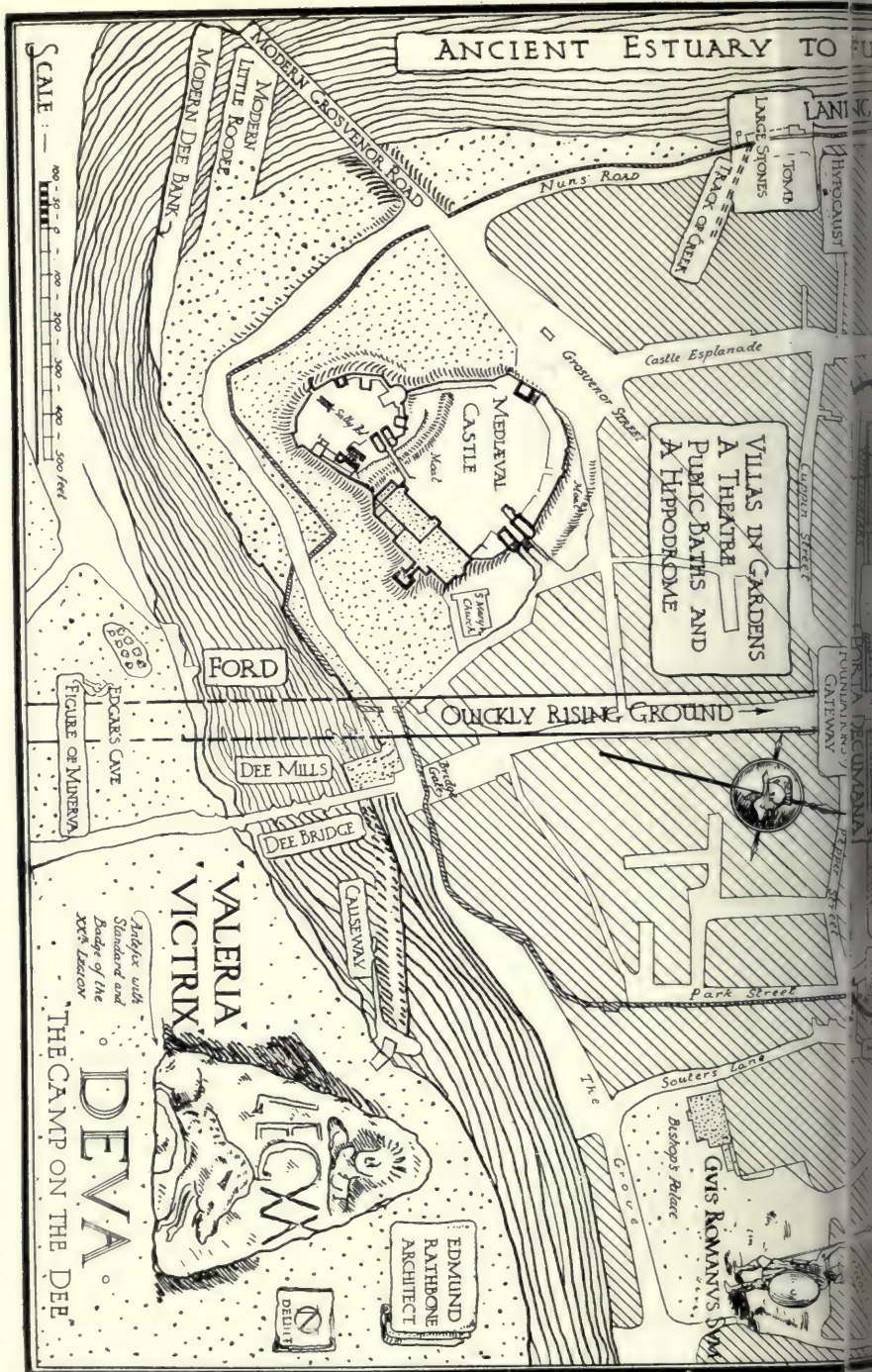
In the period of Roman occupation the city of Augusta (London) prospered greatly. Sir Walter Besant ("Early London") says of Augusta:—

"It is a city of great trade when first we find it mentioned. The trade had been diverted by a new road, now called Oxford Street, from the old line which previously passed across the more ancient settlement in the Isle of Thorney. London had been at first a British fort on a hillock overhanging the river; then a long quay by the river side; then a collection of villa residences built in gardens behind the quay. The whole was protected by a Roman fort. By the fourth century practically the trade of the entire country passed through the Port of London. The wealth of the merchants would have been very great but for the fluctuations of trade, caused first by the invasions of Picts, Scots, Welsh, Irish, and 'Saxons,' which interfered with the exports and imports; and next by the civil wars, usurpations and tumults, which marked the latter years of the Roman occupation. London under the Romans never became so rich as Ephesus, for instance, or Alexandria."

Of Roman Lutetia little is known, but it would seem to be clearly established that the Romans finding the space available on the small islands in the centre of the Seine too small for their city, built an extension of the city on the left bank of the river. Almost all traces of this extension have disappeared, but Roman remains shew that all the characteristic features of the Roman city were reproduced—baths, villas, theatre and arena—and that the streets were of the usual rectangular kind.



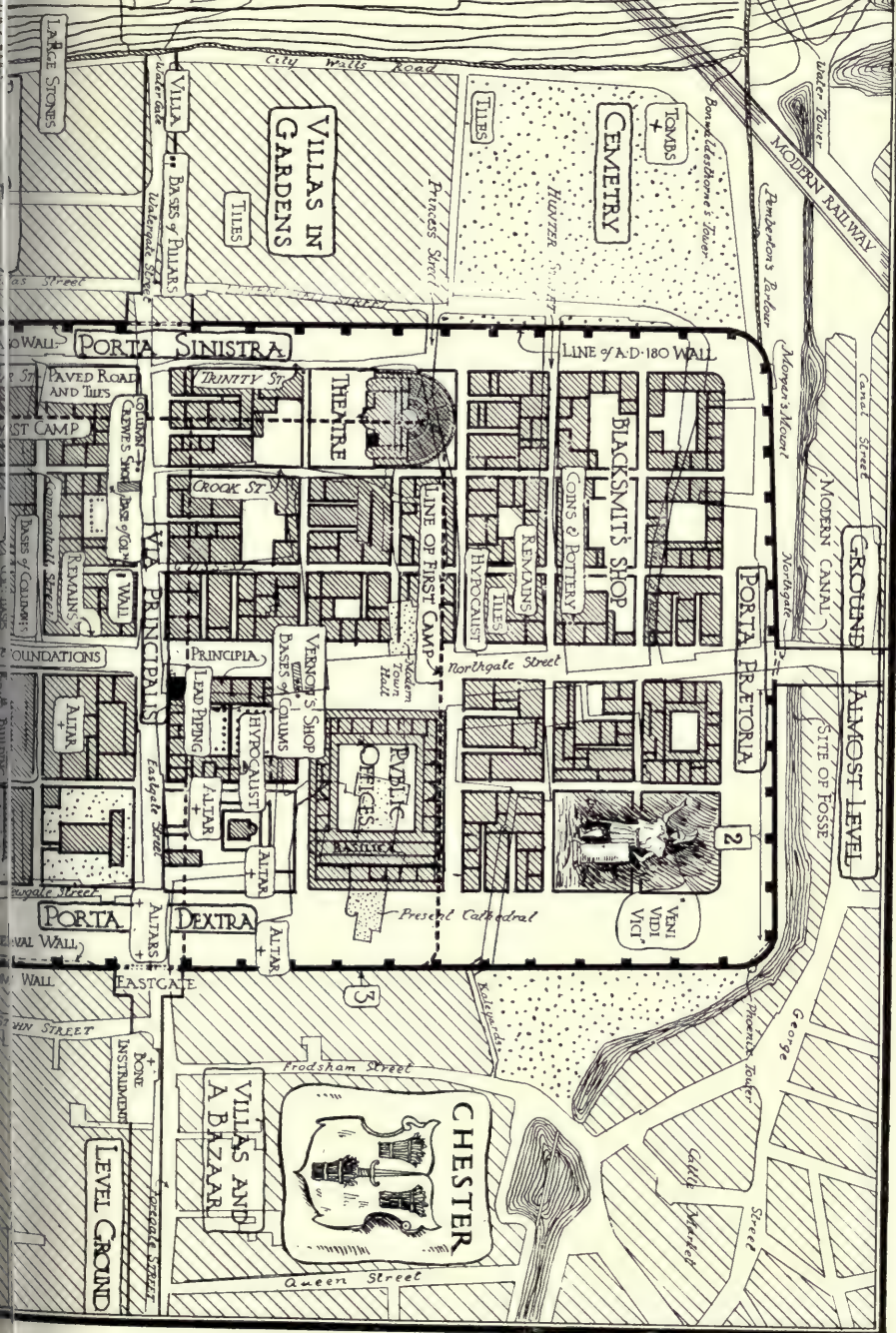




Plan of Roman Chester.  
(Reproduced by kind permission of Mr. Edmund Rathbone.)



R SIDE OF ROODEE



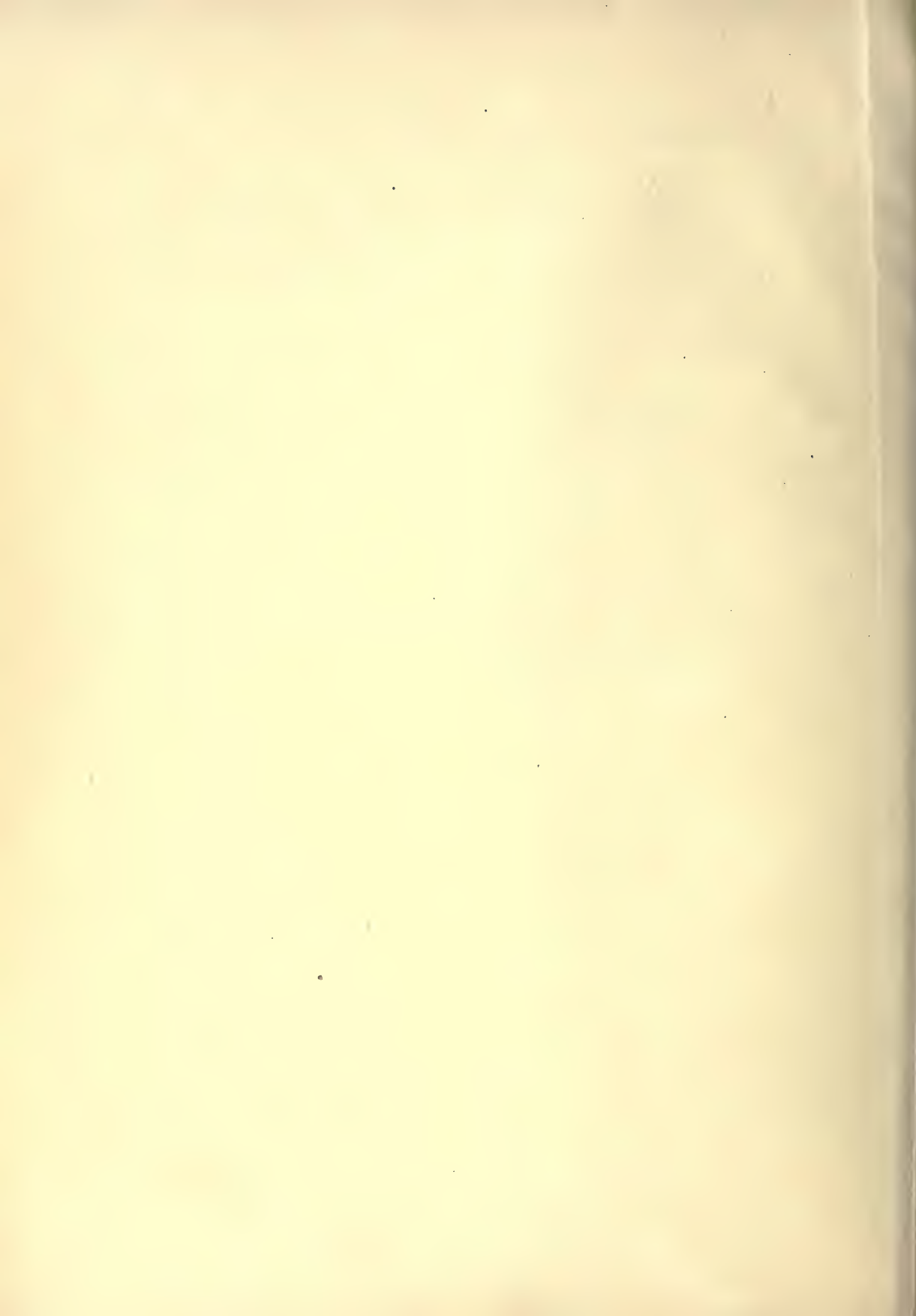


Of other examples of Roman planning in Europe little need be said except that wherever the Romans occupied conquered kingdoms and provinces for any length of time they established camp cities on the same rectangular plan. In many modern cities, *e.g.*, Cologne, Treves, Turin—it is possible to trace the lines of the Roman streets and the Roman wall, and to realise that the lines of the central streets were fixed during this period of Roman conquest.

One illustration will suffice to demonstrate the general characteristics of these camp cities as planned by the Roman Conquerors.

The accompanying plan of Chester, prepared with great care by Mr. Edmund Rathbone, and reproduced here by his kind permission, shews the characteristic features of all the camp cities, whether established at Silchester, Lincoln, Caerwent, and other cities in Britain, or in cities in Western Europe. All of them were planned on the definite chess board fashion, and in designing them the dominating idea was not one of amenity but of military control of subject communities.

The fact that those responsible for planning modern cities have copied the methods of these Roman planners—following them like sheep through a gap in a hedge—should not blind modern municipal administrators to the fact that of all plans the rectangular plan is the worst. It is a plan belonging to the dark ages, in more senses than one, and as such should be regarded not as an example to be copied but as a blunder to be avoided.





## CHAPTER II.

## TOWN PLANNING IN MEDIÆVAL TIMES.

WITH the downfall of the Roman Empire town planning activity disappeared for several centuries. The barbarians and semi-barbarians who swept like a flood over Western Europe were not dwellers in cities, and in the ceaseless wars waged by them the art of city building had no chance of development. Many indeed of the camp cities established by the Romans were destroyed and deserted. This would seem to have been the fate of London (Augusta), which is not mentioned in history for upwards of two centuries.

The deserted city of London is thus described by Sir Walter Besant ("Early London") :—

"Think, if you can, of a city built almost entirely of wood, left to itself for a hundred and fifty years, or left with a few settlers like the Arabs in Palmyra, who would take for fuel all the wood they can find. As for the once lovely villa, the grass was growing over the pavement in the court; the beams of the roof had fallen in and crushed the mosaic in the chambers; yellow stonecrop and mosses and wild flowers covered the low foundation walls; the network of warming pipes stood up and broken round the debris of the chambers which once they warmed.

"The prison, the theatre, the amphitheatre, the residence of that *vir spectabilis* the *vicarius*, were all in ruins, fallen down to the foundations."

The fate of Roman Paris (Lutetia) was similar to that of Roman Augusta. The extension on the left bank of the Seine disappeared and the space available on the islands evidently sufficed for the needs of the conquerors.

The history of London and Paris was without doubt the history of all the centres of Roman civilisation; they were in the hands of semi-nomadic peoples, unfamiliar with town life, ceaselessly warring with neighbouring tribes and living their lives under primitive conditions.

But slowly and surely two new forces came into being. First the spread of Christianity with, as an ultimate consequence, the establishment of a class of peaceful men, dwelling in religious houses and possessing both the leisure and the desire to study; and, second, the establishment of small kingdoms governed by rulers capable of developing the arts of civilisation and possessing sufficient strength and military capacity to secure periods of peace for their subjects.

## LONDON IN THE TIME OF ALFRED THE GREAT.

It was in the time of such a ruler (Alfred the Great) that London again advanced in prosperity.

Of the effect of the good government of Alfred, Sir Walter Besant writes ("Early London") :—

" After the time of Alfred, London rapidly advanced in prosperity and wealth. The restoration of the wall was recognised as the outward and visible sign of the security of those who slept within it ; trade increased ; the wealth of the people increased ; their numbers increased ; because they were safe. Stone buildings began to be erected, and the outward signs of prosperity appeared. London threw out long arms within her walls. The vacant grounds, the orchards, and fields and gardens began to be built over. Artificers of the meaner kind and trades of an offensive kind were banished to the north part of the town. The lower parts, especially the narrow lanes north of Thames Street, became more and more crowded. Quays under the river wall extended east and west ; the foreshore was built upon ; the river wall was gradually taken down, but I know not when its destruction began or was permitted.

" The shipping in the river was doubled and trebled in amount ; some of the ships lying off the quays were too large to pass the bridge ; the warehouses became more ample ; Thames Street, or the street behind the wall, then the only place of meeting for the merchants, was thronged every day with the busy crowd of those who loaded and unloaded, who came to buy and sell. The ports of the Walbrook and Billingsgate being found insufficient, that of Queen Hithe, then called Edred's Hithe, was constructed ; quays were built round it, and perhaps a new gate was formed in the river wall."

But of town planning foresight there was none. The order and design of Roman Augusta passed away, and Saxon London "sprawled" up in an incoherent way.

## THE CENTURIES OF TOWN PLANNING NEGLECT.

Apart from one or two interesting examples of town planning of the Roman camp-city type, the whole of the period from the destruction of the Roman power in Europe until the opening years of the Renaissance, was one of town planning neglect. Cities were founded and developed, but without any coherent ideas of planning. No better example of this lack of care in planning can be given than that of Nuremberg, in Bavaria (*vide* accompanying illustration, page 36).

To build a beautiful and well proportioned city was indeed not the problem of mediæval times. In these days of rapidly increasing town populations, and of dispersal of these populations in distant suburbs, it is difficult for us to realise that in the centuries of ceaseless struggle of province against province, and of town against town, which preceded the Renaissance, the problem to be solved was not that of providing homes for a rapidly growing population, but of giving some measure of safety to a population almost stationary as far as numbers were concerned.

## THE GROWTH OF THE MEDIÆVAL CITY.

The history of the growth of the mediæval city is quite simple. First the castle of the overlord was built at a point commanding a main highway of commerce, generally in a river valley; for the passage along the river bank was the natural highway in mediæval times. Around the castle men owing feudal service to the overlord gathered in squalid villages built close to the castle. As the community, by the combined efforts of the overlord and the people, grew in prosperity and strength, walls were constructed around the whole village. With the construction of the wall the process of transformation from village conditions to town conditions commenced, and with the growth of the town every available site, apart from those specially reserved for public purposes and those within the castle area, was gradually built upon.

Some changes were made in the provision of means of access to the castle, but apart from this the lines of the old village paths or lanes determined the lines of the town streets.

Then at a later stage and with the increased safety of the community came the gradual quiet increase in wealth and comfort of leading citizens, and the commencement of a long fight between the town and the castle. With the need for money to carry out ambitious schemes of conquest of adjoining towns or territories, came the opportunity of the town to secure Charters, and here we have the beginnings of municipal freedom. In some cases the leading citizens became strong enough to defeat the overlord and to make the city a "free city." The effort to become a free city became indeed the definite goal of most cities in mediæval times, and when charters giving various rights had been granted, any infringement of the conditions of these charters was strenuously fought. Then, as commerce grew, town aided town to check the tendency towards lawlessness amongst the smaller lords governing territories through which trade routes passed.

The way in which municipal institutions took definite form in this period is described in an interesting book on: *The Study of Nuremberg*, by Mr. Cecil Headlam:—

"The towns began to band themselves together in leagues—Der Rheinische Stadtebund, 1254, was the first of these—for the purpose of defence against the plunder and rapine of the robber-knights, who had formerly been held in check to some degree by the sword and authority of the Emperors, but who now swooped down from their fortresses as they pleased on the merchants travelling from town to town, and robbed them or levied on them heavy tolls. Nuremberg joined this league: and it is in a document (1256) welcoming the entrance of Regensburg (Ratisbon) into the league that we first find mention of the Rat or Council of burghers joined to the chief magistrate as an institution representative of the community. Since the Charter of 1219, almost the whole administration of justice—government, police and finance—had been centred no longer in the Burggraf, but in the chief magistrate (Schultheiss) of the town. But, by the same charter, Nuremberg was now to be taxed as



This is a detailed historical map of the city of Regensburg, Germany. The map shows the city's layout, including the Danube river (Donau) flowing along the right and bottom edges. The city is enclosed by walls, and various streets and landmarks are labeled in German. Key features include the Danube river, city walls, and numerous streets and buildings. Labels in German identify various locations, such as 'Regensburg', 'Danube', and 'City Walls'. The map is a black and white reproduction of an older document.

**NOTE.**—The lack of any system of planning is especially marked in the northern part of the town, adjacent to the old fortress.



a community. From the natural necessity and apprehensions of the situation, the burghers felt the need of a representative body to sit with and to advise the magistrate, who was, originally at any rate, a King's man and officer of the Burggraf. So it came to pass that the bench of judges who assisted the Schultheiss in his judicial work, a bench composed of the most powerful and influential citizens, gradually acquired the further function of an advising and governing body, and finally became independent of the magistrate. Little by little, by one charter after another, by gradual and persistent effort, the Rat gained the position of landlords and Territoriiherren. But, as the Council gained power, the great families began to arrogate to themselves the sole right of sitting on it. A close aristocracy of wealth grew up more and more jealous of their fancied rights. Such was the origin of the constitution of Nuremberg—a constitution which in later times offers a striking resemblance to that of Venice."

### ARCHITECTURAL ACTIVITY IN MEDIÆVAL TIMES.

But whilst the art of town planning was neglected the practice of the art of architecture achieved some of its greatest triumphs in this pre-renaissance period. It has been suggested that one of the reasons for the great outburst of architectural activity which followed the year 1000 was that of relief and joy that the world did not come to an end as had been predicted.

Commencing with the development to full fruition of the Gothic type of architecture in the construction of churches and cathedrals, skill in architectural construction was applied to domestic architecture in the later part of the period, with the result that it was possible for an Italian writer to say of Nuremberg houses that "In truth the Kings of Scotland would gladly be housed so luxuriously as the ordinary citizen of Nuremberg."

The beginnings of this practice of the art of domestic architecture can be seen in the following description of the houses of London merchant princes in the fourteenth century, given by Sir Walter Besant in "Mediæval London" (Historical):—

"I do not suppose that any of the houses in Norman London could compare with the palaces erected by the merchants of the fourteenth century—there was no such place as Crosby Hall among them; but still they were good and stately houses. There was a large hall in which the whole family lived; the fire was made in a fireplace with open bars; the smoke ascended to the roof, where it found a way out by the lantern; the windows were perhaps glazed; certainly glass merchants appeared in the country in the eleventh century; if they were not glazed they were covered with a white cloth which admitted light; the two meals of the day were served on tables consisting of boards laid on trestles; the servants all slept on the floor on the rushes, each with a log of wood for a pillow, and wrapped in his blanket; the master of the house had one or more bedrooms over the kitchen called the solar, where he slept in beds, he and his wife and family. At the other end of the hall was a room called the Ladies' Bower, where the ladies of the house sat in the daytime with the maids. If you want to see an admirable specimen of the mediæval house with the Hall, the Solar, and the Bower, all complete, you may see it at Stokesay Castle, near Ludlow.

"In the craftsmen's cottages the people seem to have all slept on straw. In the fourteenth century, however, we find the craftsmen amply provided with blankets and feather beds."

At a later period this domestic comfort reached the villages as will be seen from the following :—

" There are old men yet dwelling in the village where I remaine, which hath noted three things to be marvellously altered in England within their sound remembrance ; and other three things too much increased. One is, the multitude of chimnies lately erected, whereas in their young daies there were not above two or three, of so many in most uplandish towns of the realme (the religious houses and manour places in their lordes alwaies excepted, and peradventure some great personages) but each one made his fire against a reredosse in the hall where he dined and dressed his meat. The second is the great (although not generall) amendment of longing, for (said they) our fathers (yea, and we ourselves also) have liess full oft upon straw pallets, on rough mats covered onlie with a sheet under coverlets made of dagswain or hop-harlots (I use their owne terms) and a good round log under their heads instead of a bolster or pillow. If it were so that our fathers or the good man of the house, had within seven years after his marriage purchased a mattress or flockebed, and thereto a sacke of chaffe to rest his head upon, he thought himselfe to be well lodged as the lord of the towne, that peradventure laie seldom in a bed of downe or whole feathers ; so well were they contented, and with such base kind of furniture, which also is not verie much amended as yet in some parts of Bedfordshire, and elsewhere further off from our southerne parts. Pillowes (said they) were thought meet onlie for women in childbed. As for the servants, if they had anie sheet above them it was well, for seldom had they anie under their bodies ; to keep them from the pricking straws that ran oft through the canvas of the pallet and rased their hardened hides. The third thing they tell of, is the exchange of vessell, as of treene platters into pewter, and wooden spoones into silver or tin."

#### THE LACK OF PLANNING IN MEDIÆVAL CITIES.

How badly planned the streets were in mediæval cities can be seen from the following criticism by Sir William Davenant of London as it was before the Great Fire :—

" Sure your ancestors contrived your narrow streets in the days of wheelbarrows, before those greater engines, carts, were invented. Is your climate so hot, that as you walk you need umbrellas of tiles to intercept the sun ? Or are your Shambles so empty, that you are afraid to take in fresh air, lest it should sharpen your stomachs ? Of, the goodly landslip of Old Fish Street, which, had it not had the ill luck to be crooked, was narrow enough to have been your founder's perspective. And where the garrets (perhaps not for want of architecture, but through abundance of amity) are so made, that opposite neighbours may shake hands without stirring from homes. Is unanimity of inhabitants in wise cities better exprest than by their coherence and uniformity of building, where streets begin, continue and end, in a like stature and shape ? But yours (as if they were raised in a general insurrection, where every man hath a several design) differ in all things that can make distinction. Here stands one that aims to be a palace, and next to it, another that professes to be a hovel ; here a giant, there a dwarf ; here slender, there broad ; and all most admirably different in faces as well as in their height and bulk. I was about to defie any Londoner, who dares pretend there is so much ingenious correspondence in this city, as that he can shew me one house like another ; yet your houses seem to be reverend and formal, being compared to the fantastical looks of the modern ; which have more ovals, niches, and angles, than are in your custards, and are inclosed with paste board walls, like those of malicious Turks, who, because themselves are not immortal, and cannot dwell for ever where they build, therefore



wish not to be at charge to provide such lastingness as may entertain their children out of the rain ; so slight and prettily gaudy, that if they could move, they would pass for pageants. It is your custom where men vary often the mode of their habits, to term the nation fantastical ; but where streets continually fashion, you should make haste to chain up the city, for it is certainly mad."

It need hardly be added that the same criticism could with equal justice be brought against all the cities of mediæval times. All were congested, all were overcrowded, and all grew up without the exercise of care in planning.

During this mediæval period new forces were at work leavening the whole mass of social conditions. Trade Guilds, and Unions of towns, gave expression to the desire on the part of the wealthier burghers to exercise some measure of control over their own destinies, and uprisings of peasants and labourers bore witness to the fact that serfdom was passing away. Men were compelled to mass themselves closely in towns for mutual protection, and from this massing together was born a sense of solidarity and power which, increasing year by year, gave as its fruit a large measure of power in the State to the merchant class. But the cities were so crowded, and the need for compression so imperative, that it was impossible to give any kind of amenity within the City walls. War, and the fear of war, was the deciding factor in city development, and that method of lay-out was deemed to be the best which gave the maximum of security to the citizens. Subject to this, the more the city resembled a "busy ant heap," the more prosperous and desirable it was in the eyes of the citizens. They were content with narrow streets of high houses, for these meant safety to them. The less the length of the wall in relation to the number of the citizens the better the chances of beating back the attack of the enemy.

#### OVERCROWDING AND DISEASE IN THE MEDIÆVAL CITY.

It is difficult to obtain an accurate picture of the health conditions of town life in mediæval times, but Sir Walter Besant has, in his invaluable *History of London*, given the following picture of the conditions prevailing in Old London in the opening years of the sixteenth century. Speaking of the reign of Henry VIII., he says :—

"In this reign of thirty-eight years there was a return of the sweating sickness in 1518 ; a return of the plague, which lasted from 1517 to 1522 ; another appearance of the sweating sickness in 1528 ; and another attack of the plague in 1543. It seems strange that no physician should have connected the frequency and violence of the disease with the foulness and narrowness of the streets. From the beginning of the sixteenth century to the Great Fire of 1666, London, crowded and confined, abounded with courts and slums of the worst possible kind ; it swarmed with rogues and tramps and masterless men who lived as they could, like swine. There were no great fires to cleanse the city. The condition of the ground, with its numberless cesspools, its narrow lanes into which, despite laws, everything was thrown, its frequent lay stalls, the refuse and remains of all the workshops ; the putrefying blood of the slaughtered beasts sinking into the earth—must have been

truly terrible had the people realised it ; but they did not. Fluid matter sank into the earth and worked its wicked will unseen and unsuspected ; the rains washed the surface ; no man saw farther than the front of his own house ; therefore when pestilence appeared among them it did not creep according to its ancient wont, from house to house, but it flew swiftly with wings outspread over street and lane and court."

How different London appeared in the fourteenth century to an enthusiastic lover of the capital city, can be seen from the following extracts. The document from which these extracts are taken is by FitzStephen, and dates from the reign of Henry II. The whole document is given in "Early London," by Sir Walter Besant.

"A DESCRIPTION OF THE MOST HONOURABLE CITY OF LONDON :  
THE SITUATION THEREOF.

"Amongst the noble cities of the World honoured by Fame, the City of London is the one principal seat of the Kingdom of England, whose Renown is spread abroad very far ; but she transporteth her Wares and Commodities much further, and advanceth her Head so much the higher. Happy she is in the wholesomeness of the air, in the Christian Religion, her Munition also and Strength, the Nature of her Situation, the Honour of her Citizens, the Chastity of her Matrons ; very pleasant also in her Sports and Pastimes, and replenished with honourable Personages ; All which I think meet severally to consider.

THE TEMPERATURE OF THE AIR.

"In this Place the Calmness of the Air doth mollify Men's Minds, not corrupting them with Veneral Lusts, but preserving them from Savage and rude Behaviour, and seasoning their Inclinations with a more kind and free Temper.

OF THE CHRISTIAN RELIGION THERE.

"There is in the Church of St. Paul a Bishop's See : It was formerly a Metropolitan, and, as it is thought, shall recover the said Dignity again, if the Citizens shall return back into the Island : except, perhaps, the Martyr and his bodily Presence, do perpetuate this Honour to Canterbury, where now his Reliques are. But seeing St. Thomas hath graced both these Cities, namely London with his Birth, and Canterbury with his Death ; one place may allege more against the other, in respect of the Sight of that Saint, with the Accession of Holiness. Now concerning the Worship of God in the Christian Faith : There are in London and in the Suburbs 13 Greater Conventional Churches, besides 126 lesser Parish Churches (139 Churches in all).

ON THE STRENGTH AND SEITE OF THE CITY.

"It hath on the east Part a Tower Palatine, very large and very strong, whose Court and Walls rise up from a deep Foundation : The Mortar is tempered with the Blood of Beasts.

"On the West are two Castles well fenced. The Wall of the City is high and great, continued with seven gates, which are made double, and on the North distinguished with Turrets by Spaces. Likewise on the South London hath been enclosed with Walls and Tower, but the large River of Thames well stored with Fish, and in which the Tide ebbs and flows, by continuance of Time, hath washed, worn away, and cast down those Walls. Farther, above in the West Part, the King's Palace is eminently seated upon the River ; an Incomparable building having a Wall before it, and some Bulwarks. It is two miles from the City, continued with a suburb full of people.



## OF THE GARDENS PLANTED.

"Everywhere without the Houses of the Suburbs, the Citizens have gardens and Orchards planted with Trees, large, beautiful, and one joining to another.

## OF THEIR PASTIMES.

"On the North Side are Fields for Pasture and open Meadows very pleasant; among which the River Waters do flow, and the Wheels of the Mills are turned about with a delightful Noise. Very near lieth a large Forest in which are Woody Groves of Wild Beasts; in the Coverts whereof do lurk Bucks and Does, Wild Boars and Bulls.

## OF THEIR FIELDS.

"The arable Lands are no hungry pieces of Gravel Ground; but like the rich fields of Asia, which bring plentiful Corn, and fill the barns of those that till them with a dainty Crop of the Fruits of Ceres.

## OF THEIR WELLS.

"There are also about London, on the North of the Suburbs, choice Fountains of Water, Sweet, Wholesome and clear, streaming forth among the glistening Pebble Stones. In this Number, Holy Well, Clerkenwell, and Saint Clement's Well, are of most Note and frequented above the rest when Scholars and Youths of the City take the air abroad in the Summer Evenings. A good City when it hath a good Lord."

But despite this glowing description, it is clear that London, like most mediæval cities, was a squalid and unhealthy city, with the result that when the Black Death swept over Europe the death-rate was enormous. Of sanitation there was none, and even in normal times between periods of plague and other epidemic diseases, the death and disease rates must have been enormous.

## THE RELIGIOUS COMMUNITIES AND TOWN PLANNING.

The only men who in these troubled times could with safety plan the surroundings of their homes to secure amenity and the joy of the garden were the men who devoted themselves to the religious life. How desirable life was in some of these communities can be realised in tracing the ruins of such an Abbey as that of Fountain's, in Yorkshire. Life in monastic houses built in the gentle meadows of quiet Yorkshire dales, with flocks and herds to provide the good things of life, with the quiet seclusion of the monastic cell, and with the round of daily duties to be performed, must have seemed a veritable paradise on earth to many of those who sought rest and a new life in them.

Doubtless many members of these religious communities formed great plans for building new cities, just as they conceived and carried into effect great designs in architectural construction. In this relation it is interesting to note that when, in 1277, old Winchelsea was destroyed by the encroachment of the sea, the King called in the aid of a Bishop to aid him in planning and building a new town.

The plan given below is taken from the Ordnance Survey Map, with the sanction of the Controller of His Majesty's Stationery Office, and the following account of the work accomplished is taken from the Itinerary of Leyland. It will be seen that the line of planning adopted is that of the old Roman camp city.

“ Whereupon, A.D. 1277, the King sent thither John Kirkeby, Bishop of Ely and Treasurer of England, and vewid a plot to make the new Toune of Winchelsey on, the which was at that time a ground wher conies partly did resorte. Sir John Tregose a Knight was the chief owner of it, and one Maurice and Bataille Abbay. The King compounded with them : and so was there vii score and tenne Acres limitid to the New Toune, whereof parts is in the King Mede withoute the Toune, and part in Hangging of the Hille.

“ Then in the tyme of the yere aforesayde the King set to his Helpe in beginning and waulling New Winchelsey and the Inhabitanτες of Olde Winchelsey took by a little and a little and builded at the New Toune. So that within the vi or vii yere afore expressid the New Toune was metely well furnisid and dayly after for a few yeres encreasid.

" In the Toune as withyn the walles be 2 Paroche Chirches and there were 2 Colleges of Freres."



### Plan of Winchelsea.



## ENGLISH TOWN PLANNING IN SOUTHERN FRANCE.

It is interesting to note that Edward I. not only gave instructions for the planning of Winchelsea, but was also responsible for the planning of several towns in South-Western France. These towns were built at a time when their establishment was of great political importance—that is to say, when the nobility of South-Western France recognised the warlike advantage conferred on them by the construction of fortifications.

Speaking before the Town Planning Conference of the Royal Institute of British Architects in 1910, Dr. Brinckmann gave an interesting account of the establishment of a large number of these towns (*vide* accompanying Maps, page 44). He pointed out that :—

“ In 1152, by the marriage of Henry II. of Anjou-Plantagenet with Eleanor, Poitou, Guyenne, and Gascony, *i.e.*, the western portion of Southern France, passed to the English Crown. In 1229, after the Albigensian War, the French Monarchy, under Louis IX., acquired the sovereignty of the county of Toulouse, and after the death of Alphonso of Toulouse took complete possession of that county. The circumstance of vicinity soon involved the bellicose English and French in a struggle for supremacy in the South of France, during which the towns at once gained importance. First of all the maintenance of friendly relations secured them protection in the open country, where a military leader, victorious one day, might have to seek safety in flight the next. They played here the same part as the towers in a fortress like Carcassonne : they were bases for military operations. If the great suzerains, like the Counts of Toulouse, wished to retain their independence, they had no alternative but to cultivate diplomatic relations with the towns.

“ The attention paid to towns resulted in the foundation of new ones altogether. A factor of an economic character became identified with this politico-military view : a town, with its contributions and services, became for the founder who extended his protection to it a profitable investment. These foundations were called in France ‘ villes-neuves ’ or ‘ bastides.’

“ The founders of these new towns came from three different quarters. Sometimes it was the French Crown that sowed the first seeds of the conception of unity. At another time it was the Kings of England, whom we find erecting a wall with bastides before Bordeaux, which had supplanted Bazas. Finally, the third class of town-founders is to be found in the great suzerains, who sought by this method to secure their power against the Crown, against the small territorial lords, the ecclesiastical princes, and the monasteries.”

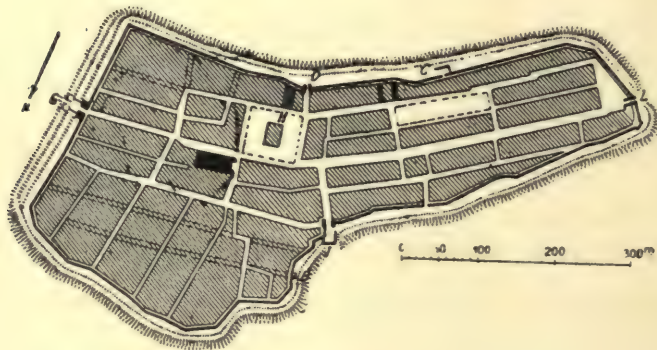
The accompanying Maps taken from Dr. Brinckmann's Report will show that these towns were of the familiar Roman camp city type.

Mr. Inigo Triggs has also described the foundation of these cities (“ Town Planning, Past, Present and Possible ”) :—

“ In 1298 Edward I. wrote from Bordeaux to London, desiring the authorities to send him four persons competent to lay out the plans of towns. ‘ The most able and clever, and those who best know how to divide, order, and arrange a new town in the manner that will be most beneficial to us and to the merchants.’



Town Planned Cities established in France about the Thirteenth Century.



Town Plan of Monseigneur.



" These towns were regular and symmetrical ; the streets were wide, open, and straight, crossing each other at right angles only ; between the principal streets and also in parallel lines were narrow streets or lanes corresponding to the modern mews and employed for the same purpose : by this means each plot of ground for building was of a uniform size and shape, a parallelogram with one end facing a principal street and another a lane. In some towns each building plot, or, when built upon, each house, was also divided by a narrow passage or court, leading from the principal street to the lane, serving as a watercourse and surface drain. The principal streets were 24 feet wide, the lanes 16 feet and the passages only 6 feet. The chief advantages of these passages was that in case of fire, each house being detached from its neighbours, the flames could be more easily extinguished.

" Near the centre of the town was a large market place, at one corner of which stood the church. The principal streets were so planned that they ran in a line with the four sides of the place, passing out from each corner in a direct line to the town gates, so that the traffic did not interfere with the central space.

" The most perfect example of these English towns of Edward I. is Montpazier, founded in 1284 in the department of Dordogne, Aquitaine. Here the central market-place is surrounded by arcades, forming a sort of covered way, and there are ten principal gates to which the main thoroughfares lead ; Libourne, Sauveterre, Monsegur, La Linde and Samite Foy were all towns built by Edward I. upon the same regular plan, the walls forming a parallelogram and having a central market place surrounded by arcades."

But apart from these sporadic examples of Town Planning care the mediæval period was one of Town Planning neglect, and of such chaotic and disordered growth, that, even in modern times, an enormous price in disease and death has to be paid. So great indeed is the price thus paid that nothing short of the destruction and clearance of the central parts of many old cities will render them healthy.

The dead hand of the past cruelly governs the life of the present, and the sins of the fathers are so clearly visited on the children that municipal councillors and officers will in the future, if they are wise enough to profit by the lessons of history, place Town Planning care and foresight amongst the chief municipal virtues to be practised by them.



## CHAPTER III.

TOWN PLANNING FROM THE PERIOD OF THE RENAISSANCE  
TO THE END OF THE EIGHTEENTH CENTURY.

THE word "Renaissance" is used so often and in relation to so many new departures in religion and philosophy that there is some danger that the word itself may be accepted as a kind of formula and that the character of the forces which produced a profound revolution in all, or nearly all, the deeper activities of civilised life, may not be sufficiently realised.

The famous phrase of Erasmus "Greece has crossed the Alps," gives contemporary evidence that the greatest influence in a time of marvellous intellectual activity was that of the writings of the Pagan philosophers.

How these writings influenced Southern and Western Europe towards the end of the fifteenth century, has been admirably described by Mr. J. E. Gotch (Early Renaissance Architecture in England):—

"With the fall of Constantinople in 1453, an event which flooded Western Europe with Greek scholars and Greek literature, a tremendous impulse was given to the new aspirations. A new world of history and poetry had been discovered, just as, forty years afterwards, a new world of fact and reality was discovered by Columbus and Cabot. The two events combined to excite men's imagination to an extraordinary degree, and their stimulating effect was visible in all branches of mental activity. There was a marvellous mingling of the old and the new. In the past there was an inexhaustible well of knowledge and suggestion; in the present a boundless opening for enterprise and fresh experiences. Just at this juncture the invention of printing was being perfected and it came at the precise time to help the dissemination of the new ideas. The result was that great movement of the mind known as the Renaissance, which in the space of a century altered the life of Western Europe. In politics it shattered the international fabric of the middle ages; in religion it brought about the momentous change which we call the Reformation; in art it wedded faultless execution with an extraordinary fecundity of design. There followed an age richer, perhaps, than any other in original genius and fertility of mental products. Italy was at the centre of this upheaval. To her were attracted students from all parts of Europe, not excepting England. She herself was teeming with men of talent in all branches of learning and the arts. It was inevitable that she should part with some of her superfluous energy to the surrounding lands, touched as they were, though less intensely, with the new spirit. So general was the enthusiasm that her neighbours were only too glad to welcome whatever Italy could send, even if not of her very best."



That the writings of the Greek philosophers came to Italy, and via Italy to Western Europe, at a specially favourable time for the reception and development of the pagan ideas of magnificence, great-mindedness and liberality, is beyond question. Power had passed from the hands of small lords and princes into the hands of powerful princes, kings and emperors governing great kingdoms, and enjoying large revenues, which, in the intervals of rest from war, were available for the gratification of ideas of greatness and love of display.

To these rulers of kingdoms the theories of the Pagan philosophers opened out a kind of new world to be conquered—a world bright and beautiful when compared with the grim and brutal world of continual warfare in which their predecessors fought and lived.

In the mediæval world kings and princes sought to shew their power by conquering cities and provinces. The incoming of Pagan literature led them in this period of the Renaissance to alter completely their views as to the most admirable characteristics of a ruler.

The description given by Aristotle of the Magnificent Man doubtless appealed to them with irresistible force.

“ The Magnificent Man is like a man of skill, because he can see what is fitting, and can spend largely in good taste ; for, as we said at the commencement, the confirmed habit is determined by the separate acts of working and its object-matter.

“ The expenses of the magnificent man are great and fitting ; such also are his works (because this secures the expenditure being not great merely, but befitting the work). So then the work is to be proportionate to the expense, and this again to the work, or even above it ; and the magnificent man will incur such expenses from the motive of honour, this being common to all the virtues ; and besides, he will do it with pleasure and lavishly, excessive accuracy in calculation being mean. He will consider also how a thing may be done most beautifully and fittingly, rather than for how much it may be done, and how at the least expense.

“ So the magnificent man must also be a liberal man, because the liberal man will also spend what he ought, and in right manner—but it is the Great—that is to say, the large—scale which is distinctive of the magnificent man, the object-matter of liberality being the same, and without spending more money than another man, he will make the work more magnificent. I mean, the excellence of a possession and of a work of art is not the same ; as a piece of property, that thing is most valuable which is worth most—gold, for instance ; but as a work, that which is great and beautiful, because the contemplation of such an object is admirable, and so is that which is magnificent. So excellence of work on a large scale is magnificence. There are cases of expenditure which we call honourable—such as are dedicatory offerings to the Gods, and the furnishing their temples, and sacrifices, and in like manner everything that has reference to the Deity, and all such public matters as are objects of honourable ambition, as when men think in any case that it is their duty to furnish a chorus for the stage splendidly, or fit out and maintain a trireme, or give a general public feast.



" Now in all these, as has been already stated, respect is had to the rank, and the means of the man who is doing them ; because they should be proportionate to these, and befit not the work only, but also the doer of the work. For this reason a poor man cannot be a magnificent man, since he has not means wherewith to spend largely, and yet it is out of proportion and contrary to propriety, whereas to be in accordance with virtue a thing must be done rightly.

" Such expenditure is fitting moreover for those to whom such things previously belong, either through themselves or through their ancestors, or people with whom they are connected, and to the high-born, or people of high repute, and so on, because all these things imply greatness and reputation.

" So then the magnificent man is pretty much as I have described him, and magnificence consists in such expenditures, because they are the greatest and most honourable ; and of private ones, such as come but once for all—marriage, to wit, and things of that kind—and any occasion which engages the interest of the community in general, or of those who are in power ; and what concerns receiving and despatching strangers, and gifts and repaying gifts ; because the magnificent man is not apt to spend upon himself, but on the public good, and gifts are pretty much in the same class as dedicatory offerings.

" It is characteristic also of the magnificent man to build his house suitably to his wealth, for this also is in a way a public ornament. And again, to spend rather upon such things as are of long duration, these being most honourable. And again, propriety in each case, because the same things are not suitable to gods and men, nor in a temple and a tomb. And again, in the case of expenditures, each must be great of its kind, and great expense on a great object is most magnificent, and in each case, what is great for these particular things." (Ethics, Book 4, Chapter 3—G. H. Lewes' translation.)

The results of this ambition to play the part of magnificent princes were of the most profound kind. The desire to build imposing palaces, plan beautiful gardens, and give at least the external proofs of magnificence, led the kings and princes of Europe to give places of honour at their courts to architects and sculptors, and planners of great gardens, and to equip them with opportunities to give expression to their ideas.

At first the work of these architects, sculptors, and garden planners was confined to the construction of palaces and cathedrals and gardens, and the lay-out of the adjacent areas, but the creative power set free and encouraged by their patrons soon produced plans for the construction and lay-out of whole cities. As might be expected, some of the plans produced in this period of exaltation were as extravagant as the colour schemes in the dress of Malvolio.

The accompanying plan of an ideal city, designed by Perret de Chambéry, will shew how completely the formal rectangular planning of the Roman camp city was thrown aside and how fanciful some of the new ideas were (*vide* page 51).

## THE EFFECTS OF THE RENAISSANCE.

The general effect of the Renaissance is thus described by Mr. Inigo Triggs (Town Planning Past, Present and Possible) :—

“ In the sixteenth century Italian towns vied with one another in straightening and widening their streets, in laying out their public places and in replacing the mediæval alley by well-paved, broad streets. Leon batt. Alberti, in his writings, says, that although for important streets, straight lines might be more majestic, yet for streets of secondary importance curved lines were to be preferred, both on æsthetic and practical grounds ; but his advice was apparently little heeded. Rome underwent a complete rebuilding in the sixteenth century, and the Piazza del Popolo, the Via Sistina, the Piazza di Spagna and Trinita de Monti, the Capitol, and Bernini's forecourt to St. Peter's are all examples of town planning in the ' grand manner ' dating from this and the succeeding century.

“ From Italy the grand manner in city planning spread to France, where, towards the end of the sixteenth century, we find Bernard Palissy writing a treatise on the laying-out of a model city, in which he advocates that every part should be planned squarely and regularly.

“ When Europe once more settled down peacefully after the Thirty Years' War, the founding of towns became a favourite occupation among princes, and mostly originated in connection with the building of palaces. Amongst such may be mentioned Berlin, Mannheim, Karlsruhe, Cassel, Dusseldorf and Coblenz. A city laid out by Cardinal Richelieu was conceived upon similar lines. In 1703 Peter the Great founded St. Petersburg at the nearest point to the sea then available in Russia. The city was laid out upon a definite plan and completed within the space of a few years, in spite of great difficulties of site and climate.”

Of the German cities named above Karlsruhe is the most interesting since it marks a complete “breaking away” from the Roman “camp city” method of planning—as will be seen from the accompanying illustration (page 51).

In Karlsruhe the castle is really the centre of a complete spider's web of radial roads, for woodland roads corresponding to the roads running through the city were made through the forest to the north of the castle.

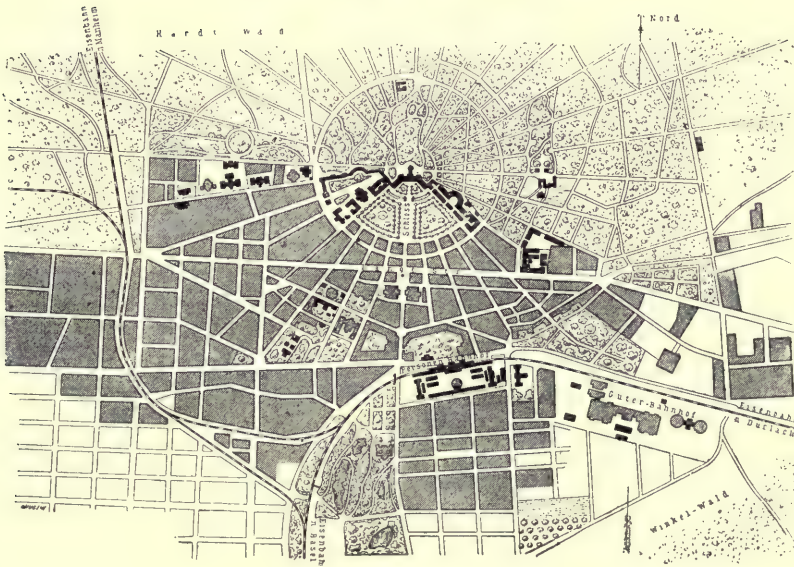
Another interesting example of this planning of avenues and places in the neighbourhood of a palace is to be found at Nancy (France) the ancient capital of the Duchy of Lorraine (*vide* illustration page 53).

For this work the architect Emanuel Hère was responsible. In the early part of the eighteenth century he designed and constructed the palace of the Duke of Lorraine (now the Town Hall) as part of a well proportioned enclosed square (Place Stanislas). From this central point he constructed a short avenue passing through an oblong place (Place de la Carrière) to another series of buildings (now the Palais du Gouvernement) built around a semi-circular space and linked up by a charming hemicycle of arches—probably the finest of its kind in the world.





Plan of Ideal City, by Perret de Chambéry.



Plan of Karlsruhe.

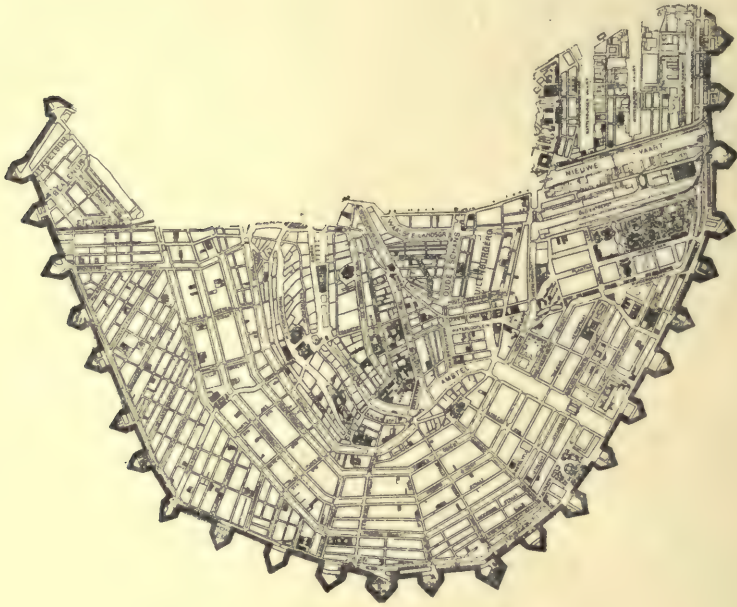
(Note the complete breaking away from the Roman Method.)







That the merchant princes of Amsterdam came under the influence of the new spirit can be seen from the accompanying plan of Amsterdam which was prepared and carried into effect in the seventeenth century.



Plan of Amsterdam.

(Note the symmetrical development of the Great Canals surrounding the Central Zone.)

The effect on France was profound. French Kings were not unwilling to compete in magnificence with Italian popes and princes, and the construction of the grand boulevards on the site of the ancient fortifications and the building and lay-out of Versailles bear witness to the effects on France of the example of the grand manner of Italy (*vide* illustration page 55).

In England the actual effect produced was by no means so great—not because the desire was lacking, but because the struggle between Parliament and the King which ended in the execution of Charles I., gave control of the national purse to Parliament and placed barriers in the way of such colossal expenditure as that of the French Kings on Versailles.







## THE LOSS OF A GREAT OPPORTUNITY IN LONDON.

That Charles II. desired to play the part of the magnificent prince is shewn by the fact that immediately after the Great Fire, Dr. Wren (afterwards Sir Christopher Wren) received the Royal Command to carefully survey the whole area and to produce a plan or model of a new city. The plan was duly prepared and submitted to the King and the House of Commons, but owing to the lack of foresight on the part of the citizens of London and the unwillingness of the King and Parliament to take strong measures and enforce the scheme on the citizens, a great chance for the replanning of the centre of London was lost.

Before dealing in some detail with the various attempts—successful and unsuccessful—made in the 16th, 17th and 18th centuries to apply town planning principles to the improvement and development of London, it will be of service to give some idea of the conditions of growth before the Great Fire.

That the growth of London in the time of Elizabeth was such as to give cause for grave concern can be seen from the following proclamation issued in 1580 :—

“ To the preservation of her People in Health, which may seem impossible to continue, though presently, by God’s Goodness, the same is perceived to be in better Estate universally than hath beene in Man’s Memorie ; yet where there are such great Multitudes of People brought to inhabite in Small Rooms, whereof a great Part are seene very poore, yea, such as must live of begging, or by worse means, and they heaped up together, and in a sort smothered with many families of Children and Servants in one House or Small Tenement ; it must needs followe, if any plague or popular sickness should, by God’s Permission, enter amongst those Multitudes, that the same would not only spread itself and invade the whole Citie and Confines, but that a great Mortalitie would ensue the same where her Majestie’s personal Presence is many times required. For remedie whereof, as Time may now serve, until by some further good Order be had in Parliament or otherwise, the same may be remedied ; her Majestie, by good and deliberate advice of her Counsell, and being also thereto moved by the considerate opinions of the Lord-Mayor, Aldermen, and other of the grave and wise men in and about the Citie, doth charge and straightly command all manner of Persons, of what Qualitie soever they be, to desist and forbear from any new Buildings of any House or Tenement within three miles from any of the Gates of the sayde Citie of London, to serve for Habitation or Lodging for any Person, where no former House hath bene knownen to have bene in the Memorie of such as are now living ; and also to forbear from letting or setting, or suffering any more Families than one onely to be placed, or to inhabite from henceforth in any one House that heretofore hath bene inhabited.”

The same difficulty was evidently experienced half a century later, for according to Noorthouck (History of London) :—

“ In the year 1656, Cromwell with his new Parliament again revived the prohibitions against new buildings in and near London. An Act was passed which imposed a fine of one year’s rent on all houses and edifices erected on new foundations in the suburbs or within ten miles of the walls of London, since the year 1620, that had not four acres of freehold land

laid to them. This punishment of previous offences before the penalty was declared, had probably no other motive than the raising of money ; but a fine of £100 was with more equity, if not with more reason, imposed on future erections contrary to this condition. All houses were also ordered to be built of brick or stone ; upright and without projecting the upper stories into the street."

John Evelyn—who in his versatility seems to have been a seventeenth century Lord Avebury, criticized in his book "Fumifugium" (1661), the condition of the streets of London, and the subject evidently gave his power of denunciation full scope for eloquent expression :—

" That this glorious antient city, which from wood might be rendered brick, and (like Rome) from brick made stone and marble ; which commands the proud ocean to the Indies, and reaches the farthest Antipodes, should wrap her stately head in clouds of smoake and sulphure, so full of stink and darkness, I deplore with just indignation. That the buildings should be composed of such a congestion of misshapen and extravagant houses ; that the streets should be so narrow and incommodious in the very centre and busiest places of intercourse ; that there should be so ill and uneasie a form of paving under foot, so troublesome and malicious a dispose of the spouts and gutters overhead, are particularly worthy of reproof and reprimation ; because it is hereby rendered a labyrinth in its principal passages and a continual wet day after the storm is over. The immoderate use of, and indulgence to sea-coale alone in the city of London, exposes it to one of the fowlest inconveniences, and reproaches, that can possibly befall so noble, and otherwise incomparable city ; and that, not from the culinary fires, which for being weak, and lesse often fed below, is with such ease dispelled and scattered above, as it is hardly at all discernible, but from some few particular tunnells and issues, belonging only to brewers, diers, lime-burners, salt, and sope-boylers, and some other private trades, one of whose spiracles alone, does manifestly infect the aer, more than all the chimnies of London put together besides. And that this is not the least hyperbolic, let the best of judges decide it, which I take to be our senses ; whilst these are belching it forth their sooty jaws, the city of London resembles the face rather of Mount Aetna, the Court of Vulcan, Stromboli, or the suburbs of hell, than an assembly of rational creatures, and the imperial seat of our incomparable monarch. For when in all other places the aer is most serene and pure, it is here eclipsed with such a cloud of sulphure, as the sun itself, which gives day to all the world besides, is hardly able to penetrate and impart it here, and the weary traveller at many miles distance, sooner smells than sees the city to which he repairs. This is that pernicious smoake which sulleyes all her glory, superinducing a sooty crust or furr upon all that it lights, spoyling the moveables, tarnishing the plate, gildings, and furniture, and corroding the very iron bars and hardest stones with those piercing and acrimonious spirits ; and executing more in one year, than exposed to the pure aer of the country it could effect in some hundreds."

#### WREN'S PLAN OF LONDON.

In 1666 the Great Fire gave London an unexampled opportunity to replan the whole of the centre of the city and that the skill necessary to secure the wise solution of the problem was not lacking will be at once seen from the accompanying plan prepared by Sir Christopher Wren (*vide* page 59).



A little study of this plan will place beyond question the excellence of Wren's proposals. Quite naturally he provided a magnificent approach to St. Paul's Cathedral. His treatment of the access from London Bridge to the centre of the City, the grouping of buildings around a Central Exchange, the construction of roads direct from Ludgate to the Tower and to the Exchange—all shew the hand of the master planner.

The general scope of the plan is thus described by Elmes in his *Life of Sir Christopher Wren* :—

“ In order therefore to a proper reformation Dr. Wren pursuant to the Royal Command immediately after the fire took an exact survey of the whole area and confines of the burning, having traced with great trouble and hazard the great plain of ashes and ruins, and designed a plan or model of a new city in which the deformities and inconveniences of the old Town were remedied by enlarging the streets and lands, and carrying them as near parallel to one another as might be : avoiding if compatible with greater conveniences, all acute angles, by seating all the parochial churches conspicuous and insular, by forming the most public places in to large piazzas the centre of eight ways ; by uniting the Halls of twelve chief Companies into one regular space annexed to the Guildhall ; by making a commodious Quay on the whole bank of the river from Blackfriars to the Tower. Moreover in contriving the general plan the following particulars wers chiefly considered and proposed.

“ The streets to be of three magnitudes ; the three principal leading straight through the city, and one or two cross streets to be at least 90 feet wide ; others 60 feet and lanes about 30 feet, excluding all narrow dark alleys without thoroughfares and courts. The Exchange to stand free in the middle of a piazza and be as it were the nave or centre of the town, from whence 60 feet streets as so many ways should proceed to all principal parts of the city ; the building to be contrived after the form of the Roman Forum with double porticoes. Many streets also to radiate upon the bridge. The streets of the first and second magnitude to be carried on as straight as possible and to centre in four or five piazzas.

The fate of the plan is dealt with in a rather breathless manner by the same writer :—

“ The practicability of the whole scheme without loss to any man or infringement of any property was at that time demonstrated and all material objections fully weighed and answered ; the only, and as it happened insurmountable difficulty remaining was the obstinate averseness of great part of the citizens to alter their old properties and to recede from building their houses on the old ground and foundations ; as also the distrust in many and unwillingness to give up their properties, though for a time only into the hands of public trustees or commissioners till they might be dispensed to them again with more advantage to themselves than was otherwise possible to be effected, for such a method was proposed that by an equal distribution of ground into buildings leaving out churchyards, gardens &c. (which were to be removed out of town), there would have been sufficient room both for the augmentation of the streets, disposition of the churches, Halls and all public buildings and to have given every proprietor full satisfaction, and although few proprietors should happen to have been seated again directly upon the very same ground they had possessed before the fire, yet no man would have been thrust any considerable distance from it, but





placed at least as conveniently and sometimes more so to their trades as before. By these means the opportunity in a great degree was lost of making the new city the most magnificent as well as commodious to health and trade of any upon earth, and the Surveyor being thus confined and cramped in his designs it required no small labour and skill to model the city in the manner it has since appeared."

John Evelyn also prepared a plan, and the relative merits of the plans of Wren and Evelyn are thus compared by Noorthouck (*History of London*) :—

"All however was not done that might have been done at so inviting an occasion ; the former direction of the streets being too much complied with out of a regard to private property. Had more powers been assumed in this respect London might have realised the fable of the Phœnix and rose out of its ashes unrivalled in beauty throughout the world. This design was not too great for the genius of the time, as two excellent plans were formed with this magnificent intention. Dr. Wren, afterwards the famous Sir Christopher Wren, immediately after the Fire, took a survey of the ruined spot, by the King's orders, and designed a plan for a new city. In this plan the irregularities in the old town were to be remedied by enlarging the street and lanes, and carrying them as nearly parallel as possible ; avoiding where conveniency would admit, all acute angles. This he would have effected by seating all the parochial churches conspicuous and insular ; by forming the most public places into large piazzas, the centers of eight ways, by uniting the halls of the twelve companies into one regular Square annexed to Guild-hall ; and by making a commodious Quay on the whole bank of the river from Blackfriars to the Tower.

"The ingenious Mr. John Evelyn produced another plan with the same view, and beside lessening the most considerable declivities, proposed farther to employ the rubbish in filling up the shore of the Thames to low water mark in a straight line from the Tower to the Temple ; to form an ample Quay, if it could be done without increasing the rapidity of the stream. The bason, by this means, he observed, might be kept always full and easy of access, like that at Constantinople."

### THE DEVELOPMENT OF THE LONDON SQUARES.

Whilst this great opportunity for replanning London was allowed to pass unused, the sixteenth, seventeenth and eighteenth centuries witnessed the establishment of a most interesting type of town planning development—the planning of the London Squares. The first of these, now known as Lincoln's Inn Fields, was copied from the Place Royale in Paris (now the Place de Vosges), and its formation is thus described by Noorthouck :—

"This Square lies between the south side of High Holborn, and the north side of Portugal Street : it is encompassed on three sides by handsome houses ; and on the last by the wall of the terrace in Lincoln's Inn Garden. The north side is called Newman's Row, the west side Arch Row, the south side Portugal Row, and the east side Lincoln's Inn Wall. This Square was originally laid out by the masterly hand of Inigo Jones, and it is said that the sides of it are the exact measure of the base of the greatest Pyramid of Egypt. It was intended to have been built all in a regular style ; but there were not a sufficient number of people of taste, to accomplish so great a work. The house which was the late Duke of Ancaster's, is built on this model ; but elevated and improved so as to make it more suitable to the quality of the owner. It has that simple grandeur which characterises all the designs of the celebrated architect."





Covent Garden Square



St. James' Square.

(These Squares were originally left open to the public. Covent Garden Square is now occupied by Market Buildings, and St. James' Square is now railled in and reserved for the use of residents in the Square.)





The space occupied by the Great Pyramid is, as a matter of fact, greater than the site of the Square.

In the sixteenth and seventeenth centuries several other Squares were formed, including: Covent Garden, Bloomsbury Square, Bridgwater Square, Berkeley Square, Charterhouse Square, Devonshire Square, Gough Square, Leicester Square, Red Lion Square, St. James' Square, Soho Square, and Wellclose Square.

It may be noted that these Squares were first left as open spaces (*vide* illustrations page 61).

The eighteenth century witnessed the formation of Cavendish Square, Finsbury Square, Golden Square, Grosvenor Square, Manchester Square, Hanover Square, Portman Square, and Queen's Square, Bloomsbury.

The influence of this movement for the development of Squares was carried right on into the nineteenth century, and the nineteenth century Squares include Trafalgar Square, Russell Square, Belgrave Square, Gordon and Tavistock Squares, Bryanston and Montagu Squares, Eaton Square and Lowndes Square.

The method by which many of these Squares were established can best be described as that of an ingenious combination of the enterprise of ducal and other landowners and the speculative enterprise of various architects and builders associated with the work of the development of the estates in which the Squares were formed.

A writer at the beginning of the nineteenth century thus says:—

"In order to expedite these great works the proprietors offer the leases for 99 years and the houses are from £500 to £4,000 value. They lend sums of £150 to £600 for three years to such persons as choose to accept them and sell materials for building at reasonable prices."

The results of this enterprise and speculation have been wholly admirable, and London owes a deep debt of gratitude to the men who preserved in the heart of London green oases to serve as lungs for the benefit of the people dwelling at the centre of this great city.

#### TOWN PLANNING IN BATH AND EDINBURGH.

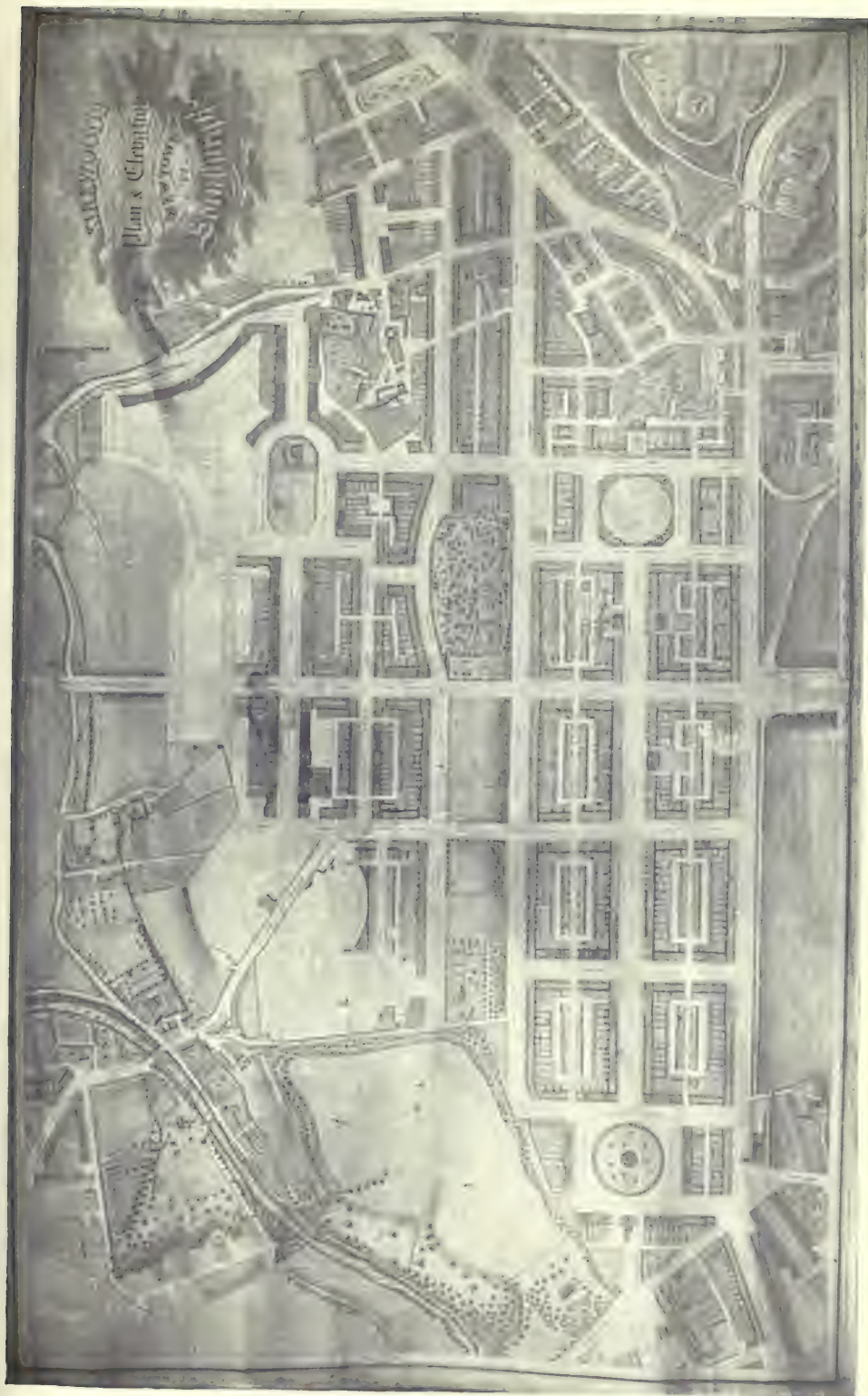
In the town planning period now under review two other British cities deserve mention—Bath and Edinburgh.

An examination of the plan of Bath reveals the definite character of the planning. The Circus and the Royal Crescent are specially interesting. These were designed and carried into effect in the eighteenth century, when Bath was at the zenith of its prosperity under the Georges.





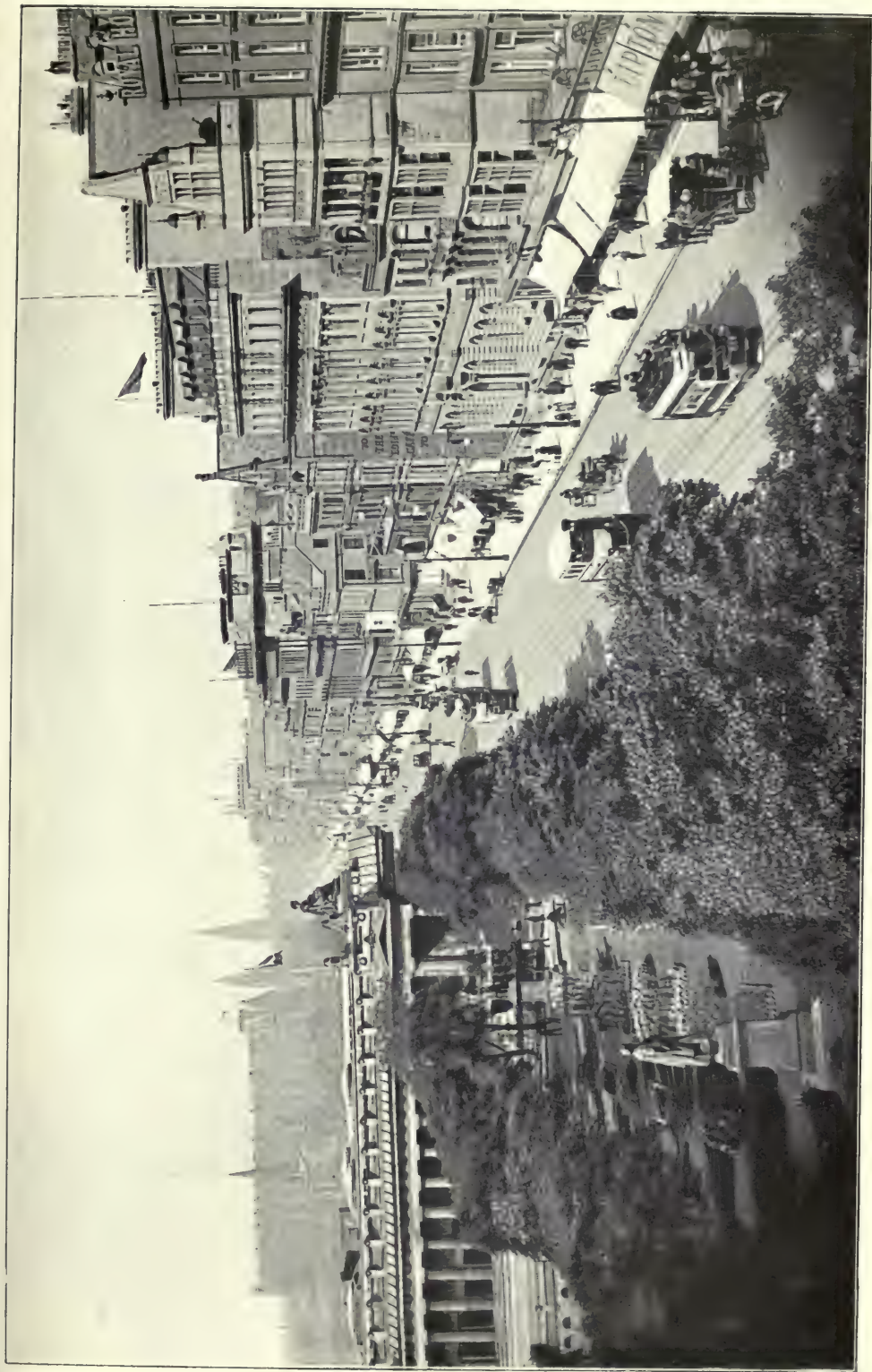




# **Edinburgh.**

Crug's Plan, as carried out with Reid and Sibbald's Plan to the North thereof.





Princes Street, Edinburgh, to-day.





The planning of the new town at Edinburgh is on a much larger scale and is universally regarded by town planning experts as the best example of town planning that Great Britain can shew.

The history of the development of Edinburgh has been thus described by the present City Engineer, Mr. A. Horsburgh Campbell, A.M.I.C.E. :—

“ In most striking contrast to the closely piled and many-storeyed blocks of the Old Town of Edinburgh, is the straight, rectangular plan distinctive of the New Town, with its wide thoroughfares, its lavish allotment of land for gardens, and the stately edifices flanking its principal thoroughfares. It is, as it were, the swing of the pendulum from the congestion resulting from close aggregation of people who inhabited the pent-up closes of the ancient Royal Mile—known as High Street and Canongate—to that of distribution of the people which resulted from the planning and development of the New Town. But this change in the domestic and social conditions of the people was not attained without much physical change in the city's natural features. Thus, between the Old Town (represented at its two extremities, by the Royal Palace of Holyrood on the east, and the Fortress or Castle, crowning the rocky summit on the west) and the New Town, then undeveloped, a ‘ gulf was fixed ’ in the presence of the Nor’ Loch Valley ; a deep hollow situate at the base of the Castle Rock, and thence sloping eastwards towards Calton and Canongate. The ridge of this slope has been not inaptly called “ the spinal cord ” of the city.

“ The draining of this Nor’ Loch about 1763 was the first work towards the reclamation of this marsh, and the preliminary step towards its present-day service as a public park and pleasure-ground, known as Princes Street Gardens. But it was essential in order to the development of the New Town, that this valley should be spanned, and thus unite the Old Town upon the south with the contemplated new town upon the north. Hence came the first ‘ North Bridge,’ commenced in the year 1763 and opened for traffic, after a chequered constructional experience, in 1772. The north side of the city being thus linked up to its ancient civic centre in the High Street, the territory upon the north became ripe for the founding of a new city, or rather for the expansion of an ancient city upon new lines. Thanks to civic foresight and the natural prosperity of the city as the Scottish capital, right well has this new town developed to its present-day importance. The land was held principally by the City Corporation and the George Heriot’s Trust. This ownership of the land by public bodies facilitated the steps which resulted in the adoption of a plan upon which this new town should be laid out, commencing with the plateau of Princes Street, and thence along the northern slopes of the city, with Queen Street as the boundary of this effort at town planning.

“ The plan of James Craig (a local architect) was selected in competition (1767). This plan was deservedly regarded at the time as a work of genius, and when compared with the streets of the ancient city must have impressed the popular mind as nothing short of a revolution in the laying out of a town, showing, as it did, spacious rectangular building blocks intersected by wide streets and finely conceived terminal squares, known as St. Andrew Square and Charlotte Square on east and west respectively. Curiously, although George Street is now regarded as secondary to Princes Street, the intention of the designer was that George Street should be the principal shopping street and dominant feature of the plan, with Princes Street subsidiary or secondary thereto, and as a residential road, which indeed it was. Time has, however, effected in this respect a complete conversion and

almost entire reconstruction of Princes Street into the great shopping street of the city. Writing upon this plan of Craig's, Mr. Peter Macnaughton, S.S.C., Clerk to the Heriot Governors says :—

“ The enterprise of a municipality, which deliberately set out to build a new town on a new site, evoked great interest throughout the country, and King George III. took a lively personal interest in the scheme. The names of the streets testify to the enthusiastic loyalty for the Hanoverian dynasty which animated the citizens of Edinburgh, though the events of the Rebellion of 1745 must have been still fresh in the memories of the people. The plan is dedicated by the author ‘ To His Sacred Majesty George III., the Munificent Patron of every polite and liberal art, this plan of the new streets and squares intended for his ancient Capital of North Britain, one of the happy consequences of the peace, security, and liberty his people enjoy under his mild and auspicious Government, is with the utmost humility inscribed by His Majesty’s most devoted servant and subject James Craig.’ The street names are themselves a tribute of loyalty, the principal street, in Craig’s view, being called after His Majesty himself—George Street. The squares were named St. Andrew’s Square and St. George’s Square, after the patron saints of Scotland and England, but St. George’s Square gave way to Charlotte Square, it having evidently been regarded as somewhat invidious to omit the name of the Royal Consort. It is said that Princes Street was originally named St. Giles’ Street, after the patron saint of the city, but that the King, on the plan being submitted to him, expressed his disapproval, and promptly named it Prince’s Street, after the heir to the throne. Then we have Rose Street and Thistle Street, the respective emblems of the two countries. In his ‘ Memorials of Edinburgh in the Olden Times,’ published in 1848, Mr. Daniel Wilson, Secretary of the Society of Antiquaries, says, ‘ The regular array of parallelograms thus sketched out for the future city was received by the denizens of the old town with raptures of applause. Pent up in narrow and crooked wynds, its broad, straight avenues seemed the beau-ideal of perfection, and the more sanguine of them panted to see the magnificent design realised. Some echo of their enthusiastic admiration still lingers with us.’ ”

“ The great valley of the Nor’ Loch, at that date just reclaimed by drainage and bounded by the broad boulevard—now Princes Street—formed a most tempting site for building developments, especially so to proprietors, it may be, needy and eager to realise somewhat of the latent value of the land for such profitable purpose as its conversion into building sites. Building operations were actually begun, but the public sense prevailed, so that, after much protracted litigation, an Act of Parliament was obtained in 1816, enacting, *inter alia*, ‘ That it shall not be lawful nor in the power of the Lord Provost, Magistrates and Council or their successors in office to erect or sanction the erection of any building whatever to be erected in any part of the ground belonging to the community of the said city on the south side of Princes Street.’ ”

“ From this Act, confirmed and reinforced by subsequent Acts, dates the preservation of this uniquely beautiful valley in the centre of the city as a perpetual pleasure ground for the people—probably unsurpassable in its combination and variety of natural features unspoilt by the builder’s and the gardener’s art, which have their part, nevertheless, in this beauteous city landscape. The realisation of Craig’s building plan proceeded rapidly, and culminated in the building of Charlotte Square as a terminal feature upon the west. This square is probably the most dignified and stately of all our city squares, the architecture being noted as one of the finest works of Adam. ”





Penn's Plan of Philadelphia.



" With the then approaching completion of Craig's plan, and the continued demand created by the flow of fashion migrating from the High Street and Canongate to this new town, the need arose for the development of further building lands, lying still northwards, and declining towards the valley of the Forth.

" Again, resort was had to a town plan, and in turn that piece of land, bounded by Heriot Row upon the south to Fettes Row upon the north, and from Bellevue on the east to the old-time village of Stockbridge on the west, was made the subject of a town plan. This land again was vested, principally in Public Trusts, and so enabled this large tract to be treated and planned out as one subject. This development plan, prepared about 1806, adheres to the bold conception—although albeit severe formality—of Craig's scheme for Princes Street, George Street, and Queen Street areas.

" The joint authors of this plan were Messrs. Robert Reid and William Sibbald—the former being the architect to His Majesty in Scotland, whilst the latter held the position of City Superintendent of Works. The leading ideas of this plan are streets and buildings ranged in rectangular order, straight, but impressive by their great width, fronted by palatial buildings, chiefly of a residential kind, and having that continuous stretch of woodland and greenery as garden ground, extending practically the entire length of the plan from east to west, between Queen Street on the south and Heriot Row upon the north, with the gardens of Drummond Place and Royal Circus balancing the northern fringe of this area.

" It is the free introduction of the garden idea into those early plans, both of Craig, and again of Reid and Sibbald, that give to them such outward attractiveness, and add to their worth from a public health and amenity point of view. The inclusion of such 'lungs' as essential adjuncts of city development is evidence of the foresight of the planners, and of the appreciation by landowners and citizens alike of those things that really matter, and which stamp a city as composed of something more than mere stone and lime, or an accumulation of bricks and mortar. This recognition of recreation or airing spaces, as vitally essential to the growth of a town, has set the pace, which, happily, has been well maintained in other areas which followed on, north and south of the ancient city boundary, such as Moray Place, Ainslie Place, and in more recent times the squares and gardens of the west end; whilst the gardens of George Square, Nicolson Square, St. Patrick Square, Gayfield Square, and St. James Square, &c., all pay tribute to the same idea of a central garden space as indispensable to the successful hygienic grouping of buildings and the growth of communities."

## THE PLANNING OF PHILADELPHIA AND WASHINGTON.

In the latter half of the seventeenth century two interesting town plans were prepared in America. The first of these is generally known as Penn's plan, and the following description of it is from the pen of Mr. Benjamin Clarke Marsh:—

" The first city plan of Philadelphia was prepared by or under the direction of its founder, William Penn, and the original city, covering about two square miles, was laid out in accordance therewith in 1682 by Thomas Holme, Surveyor General of the Province of Pennsylvania. This plan provided a rectangular system of streets and was probably the origin of similar systems in other cities now known as the 'checker-board' or 'gridiron' system. A description of this plan, ascribed to Thomas Holme, says 'The City consists of a large Front Street on each river and a High Street near the middle, from river to river, of one hundred feet broad; and a Broad Street in the middle, from side to side, of like



breadth. In the centre of the city is a square of ten acres, at each angle to build houses for public affairs. There is also in each quarter of the city a square of eight acres, to be for like purposes, as Moorfield's, in London ; and eight streets, besides the High street, that run from river to river, or from Front to Front ; and twenty streets, besides the Broad street and two Front streets, that run across the city from side to side ; all these streets are fifty feet broad. Some of the streets laid out by Penn's surveyors have since been widened, but most of them remain of the width and location originally planned.

" The districts and boroughs which grew up around the city during the latter part of the eighteenth and the early part of the nineteenth centuries also had city plans made under the direction of the Commissioners. A plan of the city made by the direction of Ordinances of Councils between 1804 and 1809 shows in detail the public squares or parks and the location, width, grades, drainage and other features of the public streets."

The plan of Washington was prepared in 1791 by Major Peter Charles l'Enfant.

The Congress House and the President's Palace were the cardinal features of this plan, which was designed to connect these centres by a grand avenue four hundred feet in breadth, and about a mile in length, bordered by gardens, ending in a slope for the houses on each side.

## CHAPTER IV.

## TOWN PLANNING IN THE NINETEENTH CENTURY.

WITH some notable exceptions, such as, for example, the planning of Edinburgh, Bath, the London Squares, Amsterdam and Philadelphia, the town planning of the sixteenth, seventeenth and eighteenth centuries was of the autocratic kind and depended on the will of kings and princes.

At the close of the eighteenth century the whole fabric of autocratic government fell in ruins in the Kingdom of France, and where autocratic government survived in other parts of Western Europe, "the writing on the wall," in the shape of democratic upheavals, warned princes and kings that stable government could only be secured by studying the desires and aspirations of at least the middle class members of the community and by giving them a share in the work of government.

The nineteenth century may be regarded as the century in which the middle class in most of the countries in Europe succeeded in acquiring if not the full control of government, at least enormous power.

For quite half a century—between the passing of the Reform Act in 1832 and the extension of the franchise in 1885—the Government of Great Britain was in the hands of the middle class.

In France the power of the middle class—the bourgeois class—was even greater throughout this period. It is true that in the government of France by Napoleon III. there was a large measure of autocracy, but "Napoleon the Little" governed by consent, and as he knew the desires of the "bourgeois" class "through and through," he gave them what they wanted.

In some of the other countries of Europe the power of the Emperor or King was jealously guarded, and as in the case of Russia and Germany, the power to declare War and to determine vital matters of national policy, is even to-day in the hands of hereditary rulers. But even where full political power was denied to the middle class they were given large powers of municipal government, and, with the possible exception of some parts of Russia, the work of town and district government passed in the nineteenth century—by means of various Acts, Statutes, Decrees, and Regulations—into the hands of the great bourgeois class.

The effects of the government of the cities and towns of Europe by the bourgeois class can be traced in many ways, but in none more clearly than in the lines of town development throughout the nineteenth century.

### BOURGEOIS TOWN PLANNING.

For the first half of the century it meant government by a class eagerly seeking greater material prosperity and neglectful of the methods by which this wealth was acquired. The conditions under which the people lived, the character of their homes, their hours of labour and their education, all were regarded as of minor importance, and, as will be seen in a later chapter, working class quarters and districts were allowed to develop under conditions of almost indescribable neglect and lack of foresight. Whilst working class conditions were neglected, great attention was however given to the embellishment of cities, and more especially of capital cities. It will be true to say that the town planning achievements of the century were directly due to the growth of the desire of the middle class to build imposing cities, plan boulevards, and generally minister to the rapidly developing standards of "bourgeois" magnificence in town life.

The greatest example of the effect of bourgeois opinion on town planning development is that of the work of Haussmann under Napoleon III. This work exercised such a potent influence on other countries in Europe that it calls for detailed description.

Mr. Patrick Abercrombie, Editor of the *Town Planning Review*, has written an admirable description of the work of Napoleon III., and Haussmann, and by his courtesy the following notes are here reproduced.

Describing Paris as Napoleon III. found it when the opportunity to remodel it came to his hands, Mr. Abercrombie says:—

"The courtyard of the Louvre was full of houses, the Arc de Triomphe was set in an irregularly shaped place, half cut off by a shabby Barrière wall, with a few gaunt trees and dubious houses in proximity; it was possible to glance on to the fountain in the Place du Chatelet, from a narrow alley obfuscated with stairs; one end of the Hotel de Ville butted on to the Rue de la Tixeranderie, but six or eight feet below its level. Round this central spot, the site of the original cross roads, now hopelessly obliterated, was the very black hole of Paris—streets so narrow that a wooden-plaster house falling forward, could only lean against its opposite neighbour. 'Et quelle population habitait là!' says Haussmann. Fortunately we have a record of Paris at this period in the splendid etchings by Martial, and though this jumble of grand monuments and picturesque squalor gave fine objects for an artist, it was an unsanitary makeshift for the ordinary town dwellers.

"What was required was a man who could appreciate the value of what his predecessors had sketched out, grasp their general intentions, and complete the work which they had begun; first and foremost traffic circulation required providing for, not in a sporadic manner, but considering the city as a whole. This would bring in its train sanitary improvements'



light, air, the rebuilding of slum quarters, and the freeing and providing of settings for public buildings. In Haussmann, Napoleon III. found the man and he himself supplied the necessary impetus and tyrannical power to carry the work through. Napoleon was perhaps chiefly actuated by hygiene, and Haussmann by a desire for a logical traffic plan and magnificent effects. London, where he had lived, was Napoleon's inspiration; singular irony that the original desire to re-model Paris came from London, which can scarcely be said to have made the slightest systematic attempt to re-model itself during the same period! What Napoleon admired were the cleaner streets, the water supply, the sewers, and the size and number of parks and gardens near the centre. Haussmann, who did not know London, had ideas which went far beyond those of his master.

"The Emperor had also another idea in his head: in proposing to cut straight roads through the closely built-up town and afford direct communication from one part to another he aimed at controlling the town by a military force more easily: artillery could rake the whole length of these broad streets, barracks could be given direct access on to them, and they were poorly suited for the erecting of barricades. It was, says Haussmann, the disembowelling of old Paris, of the quarters of uproars and barricades. The other incentive towards town planning was the advent of the railways and the sudden outpouring of traffic at new points, upsetting the balance of the streets.

"The credit for the reconstruction of the Grande Croisée is certainly due to Napoleon III. himself, if it does not go even further back to his uncle's beginning of the Rue de Rivoli and Berger's Boulevard de Strasbourg. What the Emperor suggested was the simple prolongation of these two streets until they met at right angles somewhere in the neighbourhood of the original crossing. The Rue de Rivoli was then to be prolonged until it hit, some distance beyond the Hotel de Ville, the wider and straighter part of the Rue St. Antoine, which thus still remained the eastern arm of the cross roads. The new Boulevard du Centre as it was originally called (now de Sevastopol) carried on the direction of the Boulevard de Strasbourg, midway between the old Rue St. Denis and Rue St. Martin. This cutting through of the new streets instead of widening the old, was typical of Haussmann's method. He was criticised for this at the time, as there existed a law of alignment instituted by Napoleon I., which forced such narrow streets to be widened as they were gradually rebuilt. But, as he pointed out, the progress was terribly slow, the law was circumvented continually, and indemnities were paid in spite of powers of compulsion; so that he left the old streets to be widened as best they could under the law, and boldly cut his new broad boulevard through property which did not demand such high compensations. The termination of this new boulevard, the centre line of Paris, by the Gare de l'Est well illustrates the new importance of the railway stations as the portals of the modern city.

"Unfortunately the Boulevard de Strasbourg had been plotted on the old piecemeal method, and when it came to be prolonged to the river it just missed the Pont au Change; the resulting slight looseness of articulation is enough to indicate the difference between the older method and Haussmann's exact logic.

"Across the Seine, he realised that the cross roads must be continued on a similar scale, and so constructed the Boulevard St. Michel. Thus was the original Roman Cross Roads made again the key-note of the plan of Paris.

"Perhaps Haussmann's most brilliant logical stroke was the Boulevard St. Germain. He realised that the Grand Boulevards needed a complementary ring on the south side. In order to complete it at the eastern end, he had to take a line diagonally across the Seine

and the Ile St. Louis to hit the Place de la Bastille (by the Boulevard Henry IV.). For a long time Napoleon opposed this diagonal crossing of the Seine, but eventually Haussmann had his way; but the Emperor was so far justified in his opposition in that this section has remained the least used of all the inner ellipse of boulevards.

"The most remarkable thing about this plan of Paris is its amazing symmetry, particularly with regard to the four great Places along the central line—Etoile, Concorde, Bastille, and Nation.

"It has been said that the great set pieces of Paris were erected before the Haussmann period. To this one exception must be made—the Avenue of the Opera was his one original piece of monumental town planning, and it is certainly second in importance only to the Avenue des Champs Elysées. What he found already done was the Rue de la Paix entering the Grand Boulevards—the section known as the Boulevard des Capucines—at an angle of forty-five degrees. In the first batch of street undertakings Haussmann had occasion to draw the line of the Rue Reamur which led past the Bourse, opening up that fine building of the First Empire, and running parallel to its main axis; this street continued to the Boulevard des Capucines, hit it at the same point and almost the same angle as the Rue de la Paix. It was therefore a natural site to find for the Opera, set a short distance back from the triple intersection, and it followed inevitably to provide it with an avenue of approach at right angles to the Grand Boulevards and bisecting the angles formed by the two entering streets. The avenue at its other end opened up a place in front of the Theatre Francais at the corner of the Palais Royal, and so on to the Louvre and Place du Carrousel. The Opera was to be the great festive centre of the Second Empire, it was its finest building set at the head of its finest vista. In this instance Haussmann wisely refrained from tree-planting, the uninterrupted view of the gorgeous building being more important than the momentary comfort of the pedestrians. The placing of the Opera itself was managed with the greatest skill. and it is perhaps the best instance of a building placed at the head of a street without blocking the through traffic which is skilfully guided round it.

"The Avenue of the Opera is the climax and highest achievement in the monumental effect which Haussmann employed wherever he could. Straight wide streets being a necessity from traffic and circulation necessities, it was felt that some compensation must be given for the comparative tediousness of these streets. In the old town the interest was continually kept up by the turns and various widths and interest of the individual buildings; the modern counterpart to this varied interest was a great monumental building at the end on which the eye could continually rest. It did not matter then if the buildings lining the streets were plain or even monotonous—this merely enhanced the richness of the monument on which all attention was focussed. The vista with its axial monument, and avenue, of course, was originated by the garden architects of Louis XIV., and was largely made use of by Wren in his London design. Haussmann made it the normal effect of Paris; when laying down the line of a new important street he either tried to bring it into vista with some existing building or provide one for it. One of the reasons for the slanting Boulevard Henry IV., to which Napoleon III. so violently objected, was the fact that it provided a double vista towards the Colonne de Juillet on the Place de la Bastille, and the dome of the Pantheon. The direction of the Boulevard de Sebastopol not allowing it to centralise on the Fountain in the Place du Chatelet or the dome of the Sorbonne, Haussmann persuaded the architect of the Tribunal de Commerce to place his dome to that end, at the price of an aesthetic heresy, as a French writer has observed. The change in axis of the Pont St. Michel and the Boulevard St. Michel he made the occasion for two effects: the Pont is provided with the famous Fontaine St. Michel on its axis; and the boulevard was so directed





**Plan shewing the extent of Haussmann's operations.**

**NOTE.**—The Black Lines shew the New Streets and Arteries.







**Paris. The Opera.**  
(For description see page 78.)



**Paris. The Place de l'Etoile.**  
(For description see page 83.)





that the fleche of the St. Chapelle closed its vista. There are many other vistas, some originated by him, others already begun but requiring logical completion : The Rue Soufflot leading up to the Pantheon, the opening of the Rue du Louvre to the Bourse de Commerce, the Boulevard de Malesherbes and the Church of St. Augustin, the approaches to the railway station, the Boulevards de Strasbourg and Sevastopol to the Gare de l'Est, the Boulevard de Denain to the Gare du Nord, and the Rue de Rennes to the Gare Montparnasse.

" The Place de l'Etoile and the district surrounding it, Haussmann practically created. The Place he found traversed by the main axis of the Champs Elysées, and entered at the centre of one side, at right angles to this, by the Boulevard Extérieure. On the other side the boulevard entered irregularly, and there were several smaller streets arranged at a venture. Two important new entering streets had to be provided, the Avenue de Friedland, a continuation of the Boulevard de Haussmann, and on the opposite side of the Place a direct connection with the Bois de Boulogne ; finally a connection was necessary with the Parc de Monceau. The Avenue du Bois de Boulogne (120 metres) widens out soon after leaving the Etoile, and is planted on either side in order to form as it were an arm of the Bois ; this is perhaps the earliest example of a park-way. The Avenue Kléber, on the main cross axis, is practically on the site of the former Boulevard Extrérieure, and leads to the Place du Trocadero. The circular road at the backs of the houses was made with the object of relieving the central place on any occasion of especial crowding. The re-creation of the Place de l'Etoile, the tree planting, the road arrangement, and the architectural treatment, is one of the most successful of Haussmann's works. It was carried out in a way that would have satisfied a Louis XIV. garden architect.

" It is not the intention of this short study to deal minutely with Haussmann's work, considering it according to the Reseaux or groups of streets that were dealt with—this would need a highly technical article to itself. When we have obtained legal powers in this country to deal with the built-up-portions of our towns, even as we have with the unbuilt, an exact study of Haussmann's methods and achievement will be of the utmost value. It will suffice for the present purpose to mention merely some of the other works. There was a complete new system of sewerage ; the enlargement of the Halles Centrales (markets) already suggested by the Artists' Commission ; the destruction of the Mur d'Octroi of Louis XVI. and the turning into the city proper of the spaces between these boulevards extérieurs and the outer fortifications (the whole of this gigantic encircling area was cut up and tree-planted) ; a complete system of main radial routes leading out of the city ; the covering in of part of the Canal St. Martin, to form the wide Boulevard Richard Lenoir ; besides these there were the numerous streets and boulevards of varying importance, of these perhaps the group round the Place de la Republique need special mention.

" One's first impression, on studying Paris, is that Haussmann did not do so much as one had thought, but on a closer view, it appears to be incredible that during the space of little more than fifteen years he could have accomplished such a colossal amount. The finance of it is sufficiently amazing. The original expenditure contemplated in 1853 was about 5½ millions sterling, it was shortly after raised to 7½. The actual cost of execution of the schemes so far as they were contemplated during the reign of Napoleon III. was 49½ millions ! Haussmann had a principle which he called " *Depenses productives* " by which he demonstrated that the more one spent, the more one got in return. And certainly though, at the time of Napoleon III.'s downfall, he appeared to have indulged in hopeless extravagance, he has since been fully justified, and the city at large has recouped itself many times over for the enormous outlay.

## THE EFFECT OF THE EXAMPLE OF PARIS.

The influence on Europe of this great work was enormous. It was the desire to build cities of this modern spectacular type that led the Prussian Government in 1875 to pass the Act concerning street lines and building lines, and this Act laid the basis of modern town planning action by municipalities throughout Germany.

It is true that prior to 1850 several towns had been planned on definite lines in Germany. Of these Carlsruhe has already been referred to. But the planning of these towns was due to the action of princes and kings who thus gave expression to their desire to build beautiful cities, and it was not until after the great War between France and Germany in 1870, that the work of municipal town planning in Germany can be said to have begun.

In 1870 many of the German towns had walls which cramped the growth of the town. One of the first steps taken was, therefore, that of destroying the city wall and devoting the greater part of the space thus set free to boulevards, gardens and the provision of sites for imposing public buildings, theatres, cafés, &c. Suburbs and new industrial districts rapidly grew up beyond this boulevard area, and although at first this extra-urban growth was neglected the municipalities in the most enterprising cities seized the opportunity given to them under the Prussian Act of 1875 (similar Acts were passed for other German States) and gradually evolved a system of town planning which has completely transformed the aspect of most German cities.

## THE PRUSSIAN TOWN PLANNING ACT OF 1875.

In order to make clear the lines of action followed in Germany it will be of service to give here (by kind permission of the Birmingham City Council) the following translation of the Act of 1875, which was printed in the report presented to the Council in July, 1906, giving the record of the visit of a deputation to Germany.

1. The street lines and building lines for the laying out or changing of streets in town or country places are to be fixed by the council, with the consent of the local police authorities, corresponding to the public requirements. The local police authorities may demand the fixing of building lines if they consider the same to be necessary.

"Street," in the sense in which it is used in the previous paragraph, includes the road and the footpaths. The street building lines as a rule form at the same time the building lines, that is to say, the limit beyond which no building must take place. For special reasons, however, a building line varying from the street border line may be fixed, but the two lines must not at the most be more than 10 feet apart.

2. The fixing of building lines may be done for separate streets or parts of streets, or according to the foreseen needs of the near future, by drawing up plans for larger areas. If, in consequence of great destruction, by fire or other events, it is a matter of re-building whole quarters of the town, then the community is bound to quickly resolve whether and how far a new building plan is to be drawn up for the quarter in question, and in that case to effect the immediate drawing up of the new building plan.



3. When fixing the bordering lines the furtherance of the traffic, safety from fires, and the public health are to be taken into consideration, and it must also be seen that no disfigurement of the streets and squares is caused. Therefore care has to be taken that the streets have sufficient breadth, and that a good connection of the new buildings with the already existing ones is made.

4. Each fixing of bordering lines (paragraph 1) must contain an exact description of the building plots and parts of building plots affected thereby, and must also indicate the level, as well as the intended drainage of the streets and squares in question.

5. The consent of the local police authorities (paragraph 1) can only be withheld if the interests to be guarded by the police so demand. If the Local Authority is not satisfied with the refusal, then, on their demand, the District Board decides the question.

The same authority (district board) decides on demand of the local police authority about the question of requirements, if the Local Authority refuses to comply with the request of the local police authority. (In town districts and towns belonging to a land-district of more than 10,000 inhabitants the country board take the place of the district board, and in Berlin the Minister of the Public Works.)

6. If the plan of the intended fixing (see paragraph 4) is for a fortress, or if public rivers, high roads, railways, and stations are included, then the local police authority has to take care that the authorities affected thereby are allowed plenty of time to protect their interests.

7. After the consent of the local police authority or the district board has been obtained, the local board has to publicly display the plan for everyone's inspection. The way in which the latter is to be done has to be announced as usual in the locality, with the remark that objections against the plan are to be sent to the Local Authority within a definite period, to be stated exactly, of not less than four weeks.

If it is a question of fixing only single plots, then a communication to the landowners concerned, instead of the public announcements will suffice.

8. The district board has to decide about the objections raised if they are not settled by a conference between the Local Authority and the complainants.

If no objections are raised, or if final decision is come to about the objections then the local board has to draw up their plan definitely, and to place it for everyone's inspection, and to make it publicly known how this will be done.

9. If several places are interested in the fixing of bordering lines, then a discussion has to be arranged between the respective local authorities.

The district council decides upon points about which no agreement has been come to.

10. Any fixing of bordering lines, be it made before or after the issue of this law, can only be cancelled or changed in accordance with the conditions stated above.

For the fixing of new building plans, or for the changing of already existing ones, in the towns of Berlin, Potsdam, Charlottenburg, and their adjoining surroundings, the Royal consent is required.

11. The owners of the ground may be prohibited from new building and changing of buildings beyond the border line from the day on which the publication demanded begins. At the same time the community obtains the right to take away from the owner the ground decided upon for streets and squares by the fixed street lines.



12. It may be fixed by local statute that dwelling houses must not be erected which have exits to the streets or parts of streets which are not yet ready for public traffic and building, according to the building police regulations of the locality concerned. The local statute has to fix the detailed regulations within the limits of the general regulations laid down in this Act, and must obtain the sanction of the district board, of the county board, and in Berlin of the Minister of Home Affairs.

Any objection raised against the decision of the district board can be laid before the provincial council within a definite period of twenty-one days. After confirmation being made, this statute is to be published in the usual local way.

13. Compensation for the restriction of the right of building according to the demands set out in paragraph 12 cannot be claimed, and compensation for the withdrawal or the limitation of the ground ownership, due to the settlement of building lines, can only be asked for in the following cases :—

(1) If the ground required for streets and squares is ceded for public traffic on demand of the community.

(2) If the street and building line affects existing buildings, and if the property is laid open to the new building line.

(3) If the line of a new street that is to be laid out affects a property unbuilt upon, but suitable for building, which at the time of the fixing of this line is situated in an existing street and is ready for public traffic and building, and if the building takes place on the line of the new street. The compensation is granted for the land required for streets and squares. Also, in cases of No. 2, where it is a matter of limitation of the land in consequence of the fixing of a building line differing from the street line, compensation is granted for the land which might have been, but is not allowed, to be built upon.

In all cases mentioned above the owner may demand that the whole of the land be taken over by the local authority, if the latter is affected by the street line either wholly or in so far that the remaining ground is no longer suitable for building purposes according to the local building police regulations. The term ground property is to be understood in this section as meaning each ground property that adjoins and is part of the same ownership.

The compensation is to be paid by the community within whose district the property in question is situated.

It may be fixed by local statute that in laying out a new street or in extending an already existing one, if such are intended for building purposes, as well as in building on streets or parts of streets already existing, but at present unbuilt on, the laying out, the construction, the drainage, and the lighting arrangements of the street are carried out by the builder or by the adjoining owners.

The adjoining owners cannot be called upon for these obligations for more than half the width of the street, and if the street is wider than 84 feet, for not more than 42.

In making up the costs, the cost of the total street expenses and the upkeep have to be calculated together, and to be charged to the owners in proportion to the length of their border touching the street.

The more detailed regulations must be settled by a local law guided by the general law quoted above, section 12 being always borne in mind.

. . . . .

19. All the general and special legal regulations contradictory to the regulations of this law are hereby cancelled. All regulations of the building statutes officially set out, all other police regulations and local statutes which are not in accordance with the regulations of this Act, hereby become invalid.

20. It is the duty of the Minister for Commerce (for public works) to attend to the administration of this Act.

### TOWN PLANNING IN DUSSELDORF.

A valuable example of Town Planning action is that of Dusseldorf, and the following description given by the City Surveyor of that enterprising city—Oberbaurat Geusen—will be of interest. Speaking of the plan adopted by the City Council in 1885, he says :—

“ A new suburb sprang up, and the preparation of a new and extended plan became more and more pressing. Advantage was taken of the law of the 2nd of July, 1875, regulating the laying out and altering of streets and public places in towns and country districts, to carry out a far-reaching plan for the further extension of the town.

“ This new plan opened for building purposes an area of about 2,400 hectares, equal to 6,000 acres, and up to the present time its boundaries have only been overreached in one place. The plan includes the suburbs of Derendorf, Oberbilk, Unterbilk, and Flöngern, the development of which, in the seventies of the last century, took place before the immense increase in industry of recent times, and leaves only the small outlying purely village places of Hamm, Volmerswerth, and Flehe out of question.

“ This plan renders possible the future organic development in connection with the existing parts, and gives ample space for the further growth of the town. The industrial and business development of the town has kept equal pace with its growth ; indeed, the latter has grown quicker than the town itself.

“ It will interest you to know in what way we are led to make different re-arrangements in the laying out of our town. In the earliest times it was the custom for the streets of our town to be planned without any special reference to their practicability. Streets were laid out which led nowhere, excepting into the next street, and in very few instances was it possible to find a town with thoroughfares which ran through from one part of the town to another.

“ It is true that this system had its advantages in the case of such a town as Dusseldorf, for by this means the streets were protected to some extent from the severe winds which at most times came from the Rhine. From an artistic point of view this was a pleasing arrangement, and could be even artistically used, by the formation of squares and open places, which in those days, being arranged at one side of the street, gave a sort of quiet, semi-private character to these squares which we often miss in these days.

“ Later on, as the town grew in size, it was found necessary to carry the streets through, so as to enable a better connection between the different parts, and so in this way new streets were gradually laid out which crossed each other at right angles ; and thus the system known perhaps, as the block system, came into existence.

“ Practical as this system was, and still is, it proved, however, to the eyes of most people to be very monotonous, and as the town continued to grow and traffic increased, the idea came that it would be beneficial if we arranged a certain number of our streets, running



diagonally from block corner to block corner, in order to shorten the distances between given points, and this led to the carrying of these streets diagonally through from one part of the town to another, which made it necessary to form in different places a sort of circus, from the centre of which branched away some five or six different thoroughfares.

"This new system of laying out streets gave, in a certain way, much satisfaction, so that our borough surveyors, as I think, very unwisely introduced it into all parts of the town, without considering whether it was suitable to the wants of each particular part. They evidently thought that a system which was good for one part would be equally suitable and practicable for the others.

"Then there arose a general demand for something more artistic, and so our artistically-inclined townspeople, not being able to pass the surveyors by, joined hands with them in a new craze, which was that all streets, more or less, should be laid out in a series of curves."

### MODERN TOWN PLANNING IN NUREMBERG.

The recognition of the need for the exercise of town planning care reached the ancient city of Nuremberg in the seventies, and the action then taken has been thus described by Reichstrat Weigel:—

"Until the middle of the last century no noteworthy building took place without the walls. It is true that large and small massive garden-houses were erected in the large gardens of the patricians, but large blocks of houses were not built.

"At that time the enactment of bye-laws and regulations was not necessary, for nobody built a house without intending to make use of it himself. But in course of time town planning became a necessity. The building of sanitary dwellings had to be secured by regulations as to the height of houses and the number of flats, the proportion of the same in comparison to the width of the streets, the size of the courtyards, &c. As an auxiliary it was found necessary to decree laws relating to the light of each room of the house, thickness of walls, the height of each flat, and so on. Finally the opinion prevailed not to allow large attached street frontages, from a hygienic point of view, and therefore the open building system was resorted to, according to which only a very few buildings were erected wall to wall, and between these groups of buildings a certain amount of ground was not allowed to be built on, and these spaces were fixed with due regard to the height of the buildings.

"Town planning in the seventies showed everywhere the same ideas, immaterial whether it was intended for Paris, Vienna, or Berlin, or for a comparatively small town as Nuremberg was then. A system of streets crossing each other at right angles, straight, and, if possible, miles in length, a number of squares towards which the streets from right and left led to, amongst them at least a few of circular form, and if it was possible also a few which cut through the rectangular system diagonally, and rarely a larger plot for a garden square. The only difference was in the width of the streets, for whereas large towns thought it necessary to choose for their future main thoroughfares a width of 50 metres,\* the smaller towns considered it more than sufficient if they exceeded 15 metres.

"When towards the end of the last century the municipal district of 1,131 hectares\* was nearly built over, and when through the incorporation of surrounding villages new ground had to be gained, a town planning office was erected. It was its duty to present for the municipal district, which now covered 6,919 hectares, new plans which would satisfy artistic demands.

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\* NOTE—A hectare is equal to 2½ acres: a metre is equal to 39 inches.



" Most of the incorporated villages were already in possession of their own plans, and each of them had the system of rectangle in the highest perfection.

" As to the rights of building, provisions were made that the eastern part of the municipal district, as being the most favoured by nature, was reserved for the building of villas, the number of flats being restricted, and thereby forming a better class of private house property. In these parts factories and trades causing much noise are excluded. In the other parts of the municipal districts within the circular railroad, buildings may be erected according to the widths of the streets, with up to four flats over the basement. Without the circular railroad one flat less is permissible. The size of the courtyards is fixed as one-third of the building plot with street frontage, and one-fifth for corner building. Special attention is given to the reservation of public garden squares, and also that favourable building plots for public buildings are created. For thoroughfares widths up to 30 metres, in some instances up to 35 and 40 metres, are chosen. For minor streets the widths are reduced down to nine metres. Great concessions are made for settlements for workmen's building unions, also for colonies of factory hands and small cottage property.

" It may be mentioned that building property is subjected to about 35 per cent. for necessary streets and squares, that the building plans are principally executed by the town planning office, that they have to be sanctioned by the municipal authorities, and that in case of differences they are submitted firstly to the royal provincial government, and secondly to the royal government. Building within the old town near historical buildings or the walls is subject to special regulations. An Art Committee consisting of the best architects, acts as judges for all new planned buildings or rebuildings. Alterations of the existing street frontages are rarely carried out.

" In instances where it becomes absolutely necessary for widening purposes they are carried out with the greatest precaution, and in the best possible harmony with the former state."

It will be also of interest to deal here with some of the more recent examples of town planning in Europe, viz. : the planning of a girdle of woods and forests at Vienna, the development of a new Harbour at Frankfort, and the town planning work of Dr. Wagner, at Ulm. These in their inception belong to the last years of the nineteenth century, and as they may be regarded as the full fruit of the town planning work of that century they are dealt with here.

### THE HARBOUR DISTRICT AT FRANKFORT.

The work of planning the great River Harbour at Frankfort was thus described by the City Architect—Herr Ohlfelder—on the occasion of the visit paid to Frankfort in April, 1909, by the National Housing and Town Planning Council :—

" My intention is to inform you about a great and new undertaking by the city of Frankfort, by means of which in a short period a new and large district in the East will be added to the city.

" The Main at Frankfort is not a natural waterway for large crafts :—First it became necessary to construct artificial weirs and locks and to dredge a navigable channel in order to make the river suitable for Rhine ships. This work was completed in 1887, and at the same time a large new harbour-plant was opened in the West-end. Frankfort thereby

came under the list of Rhine harbours. As these improvements extended only from the juncture of the Main with the Rhine up as far as Frankfort, this city may therefore be termed at the same time, a terminus in connection with Rhine navigation.

" A large harbour traffic speedily developed, and increased from year to year to such an extent that in 1905 it amounted to 1,700,000 tons per annum, that being three times the turnover of 1889 and twelve times that of 1886. The increase of traffic was so considerable, and at the same time so rapid that for a length of time previous to that date the old harbour plant was totally insufficient to cope with it, and an outlet for the same became an urgent necessity.

" Owing to the limitation of available space, an extension of the west harbour was an impossibility, and the city therefore decided to construct a harbour of considerable extent in the East-end, using the large strip of land stretching along the banks of the Main for that purpose. This property had been prevented from falling into the hands of private builders, so it became an easy matter to make it serviceable for the requirements of a harbour.

" The new harbour will, in the first place, embrace the following sections:—

- " No. 1.—A public trade and transit harbour for merchandise of all kinds, in close conjunction with warehouses.
- " No. 2.—Coal wharves for the transit and storage of coals.
- " No. 3.—Quays with private places of storage for the most various of materials.
- " No. 4.—A raft-haven with slips and timber wharves.

" But industrial advantages must accrue from the undertaking. Up to now a favourable situation for industrial settlements has been wanting, there being a dearth of land suitable for the erection of factories, &c., more particularly of those situations affording direct communication with the railway. Advantageous building-plots on a waterway, so necessary to many undertakings, are entirely absent. To this must be added the fact that eligible building sites are almost exclusively so expensive that the settlement or even the healthy development of a number of industries is greatly hampered, more particularly those needing extensive premises.

" The new industrial quarters may be classified into wharf factory sites and inland factory sites. Wharf sites are those adjoining the waterside, and the buildings erected on the same will be so arranged as to allow the manufacturer or merchant to land his goods direct from the ship on to his premises. Other industrial undertakings, whose lesser navigable traffic will not warrant their laying down expensive plant on the harbour basin find suitable sites inland, in more or less contiguity to the water's edge, transferring their freight on the waterway to their respective premises by means of vans, or even better, over sidings. Railway connection—the very life of every industry—is for this reason laid on to every site, bringing the various industries in close touch with the main line on the State Railway, as well as with the harbour itself.

" The new harbour works extend over the whole district between the eastern station and the Main, extending eastward for a distance of about two miles. It is divided into two principal parts, termed the lower and the upper harbour.

" The lower harbour is primarily intended for trade. On the northern side of its upper basin is the public trade and transit quay, with its complementary warehouses; on the southern shore lay the private storage places and houses. The quay and wharves on the river-side, which run into the closed harbour, as well as the northern shore of the lower basin, are specially reserved for coal traffic; whilst the southern shore of the lower basin is set aside for industrial purposes.



" The upper harbour is reserved almost exclusively for industrial purposes, the river-side only being set aside for raft timber traffic or 'lumber' traffic. The inland factory sites lie on both sides of the Hanauer-Landstrasse—a highway—as well as on the street, which runs north to south between the upper and lower harbours. More of these industrial and factory sites are situated eastward of the upper harbour. As the extent of these industrial sites was found to be insufficient, the original area has been afterwards increased by the addition of the whole of the extended district north of the upper harbour and railway line, the same also being set aside for industrial settlement. This large area is also brought into direct communication with the harbour by railway lines, thus partaking of the advantages of navigation.

" The entire district of the east harbour possesses an area of 1,180 acres, of which 350 acres is absorbed in streets, railways, and embankments. In addition to the river line there are water-basins of 110 acres, leaving therefore an area of 720 acres for eligible sites. Of this 720 acres 150 acres are allotted to trade traffic, 37 of which is monopolised only by the coal traffic, 570 acres are set aside for industrial sites, 135 acres being reserved for wharf industries, and 435 acres for inland factory sites. The navigable shores have a total length of over nine miles, whilst there will be 30 miles of streets and 35 miles of railway lines.

" The cost of the land amounts to £1,200,000, the constructive works £2,000,000, £400,000 is set aside for loss of interest on capital invested, so that the grand total amounts to £3,600,000.

" The operations undertaken first will be limited to half the lower harbour, the lumber harbour, and the inland factory sites abutting on the Hanauer-Landstrasse, as well as two-thirds of the northern district.

" The cost of these initial operations amounts to about £950,000. This sum is already placed at the disposal of the Board of Works. The operations have commenced, and in about two years it is hoped that the harbour will be opened. The inland factory sites can be utilised at an earlier date; in fact, some of the new factories are already in course of construction.

" Eighty per cent. of the entire area is already purchased. The city was wide awake enough to buy the greatest portion of the land early enough, and yet at the right time, before it could be artificially raised in value by speculators. One must admit that without this precaution the execution of this great project would have become almost an impossibility.

" The realisation of all sites in the harbour district is obtained partly by letting and partly by sale. The storage places in the commercial harbour will only be let for a period of not longer than ten years, and in special cases up to thirty years. The rate of hiring runs from 1s. to 1s. 5d. per square metre per year. We would also prefer letting the factory sites; but here difficulties present themselves, owing to the parties interested not agreeing. Also leasing is not acceptable. We are compelled, therefore, to sell the industrial sites. As a rule we only ask for a deposit of ten per cent., the rest being payable in instalments extending over a period of ten years. In case of sale we protect ourselves against the possibility of speculation in respect to the plots of land. This we obtain by means of conditions in the contract to the effect that the site may only be used for a certain purpose which has previously been agreed upon. This utilisation must also take place within a certain period, previous to the expiration of which the plot is not allowed to be resold. Should these conditions be disregarded, then we have the right to demand the return of the site, without compensation for the loss of interest.





Plan of the New River Harbour at Frankfort-on-Main.

#### EXPLANATORY NOTES.

The total area of the harbour is 1,180 acres.

The area to the south of the railway station (Neuer Ostbahnhof) is devoted to the harbour, wharves, quays, and wharf factory sites.

The area immediately north of the station has been reserved for a park (Ost Park) with adjoining piece of woodland (Rieder Wald):

Beyond the woodland sites are provided for small workmen's dwellings (Viertel für Kleinwohnungen).

The sites to the north-east of those allotted for dwellings are reserved for inland factory sites.

"Up to the present we have sold about 41 acres, the same having realised about £200,000. We have also let till now about 20 acres of wharfage, which yields a nett income of £6,500 per year.

"The tasks the town has set itself are not exhausted in the building of the harbour, the industrial plants, and the realisation of the ground. In the districts connected with the harbour and factories, a large number of men are employed, for whom dwellings will have to be found.

#### COMMUNICATIONS AND DWELLINGS.

"The city, therefore, has to undertake special measures in two directions:—First the construction of traffic communication with the harbour and industrial section; secondly, the creation of new dwellings in the vicinity of this district. It is of great importance that there is good tram connection between the city and the new districts. The city of Frankfort is in the fortunate situation of being the owner of the tramway, and can carry out a scheme for the traffic quite independent of a too far-reaching consideration in regard to receipts. Frankfort will therefore immediately lay down an electric tram connection, so that it will be already in use while the industrial section is in course of erection. Further, the city will construct its own suburban lines, with its special permanent way, which will travel with greater speed. This railway will run to the surrounding villages, where the working classes can, in general, live cheaper, better, and healthier than in the city. It is, however, well known that a greater part of the people, particularly factory employees, prefer to dwell in the city, where they can find more distraction and entertainment. Therefore, new opportunities must be provided for town residents, such accommodation not lying too far from the harbour and industrial districts. This must also be done for clerks and factory officials, as well as for the workmen.

"Between the present city boundary and the northern industrial section there lies a large open space. This space will be utilised for the building purpose before referred to. Two large blocks of buildings are to be constructed. The southern block will be built first, the preparations for the same having already commenced. A large portion of this district is municipal property, the development of which does not present any difficulties. The western portion belongs to private persons, and is very much split up, so that its division into streets and building plots cannot be proceeded with so easily. An adjustment, consolidation and re-arrangement must therefore be here undertaken.

"We have a special law here in Frankfort, termed the 'Lex Adickes.' Here, as in other districts of the city, the ownership of the land is greatly divided, making it difficult everywhere to obtain ground suitable for building purposes. Upon the suggestion of our Oberbürgermeister, the Prussian Landtag accepted the law just mentioned in 1902. In accordance with this law a transference and consolidation may be compulsorily obtained, when it is for the public welfare, and when this is petitioned by the municipal authorities or more than half of the proprietors or by the owners of more than half the property. The land is then consolidated, and then, after deduction is made for streets and squares, the land is again divided amongst the proprietors in the form of regular plots in proportion to the original surface being made for streets and squares, free of cost, but if the proprietors themselves request the adjustment then a deduction may be made up to 40 per cent.

"Although this law has been in force over six years, up to the present no use has been made of the same. This is accounted for by the fact that up to the present such adjustment has been effected voluntarily by the proprietors. In this way the city had already arranged a large number of such adjustments.



"In the same manner the dwellings near the east harbour will be brought into existence. The city will unite in the adjustment, with its own large possessions. The entire surface has an area of 157 acres, of which the city possesses 74 acres and private owners 83 acres. There are now 770 single private plots, with an average measurement of 500 square yards, but which, upon deduction for streets, &c., will leave but 300 square yards. These areas would be much too small for building purposes. By means of adjustment, however, plots belonging to the same proprietor and lying distant from each other will be united, and as there are only 238 proprietors, each one will receive on an average 1,000 square yards of eligible building site, which is sufficient.

"In this quarter dwellings for middle classes, as well as small dwellings for workmen, may be erected.

"In the first instance this will be left to private enterprise. As, however, the erection of small dwellings is not generally very lucrative, and private enterprise will not erect enough dwellings for workmen, it is necessary that the city, with the assistance of philanthropic associations, will have to undertake the matter. The district north of the wood will be opened out specially as a quarter for small dwellings. The ground throughout belongs to the city."

"On the main street to the north four-roomed dwellings will be principally erected. On the remaining ground three and two-roomed dwellings. Each house contains three dwellings of the same kind, one above the other. Double dwellings—that is, two dwellings on the same flat, reached by one staircase—are not erected. In addition to these houses with flats, dwellings for single families of the workmen type, some with three rooms and parlour-kitchen, and others with two rooms and parlour-kitchen, will be erected for the first time in Frankfurt. The parlour-kitchen I call a kitchen, which is also used as a dwelling-room. The western portion will be the first developed, and will consist of 550 dwellings.

"This district has an area of about 19 acres, of which  $3\frac{1}{2}$  acres will be built on, the remainder being reserved for streets, gardens, and play-grounds.

"The city also takes care that recreation-grounds and open places are ample enough for this new quarter of the town. The wood which lies here will not only be preserved, but extended towards the west. Already a large park has been planted here, containing playgrounds and football fields, whilst a large swimming bath is also projected. Two broad promenades divide the district. Moreover, it is bounded on the west and the north by a wide garden promenade of more than 330 ft. wide."

### TOWN PLANNING IN BERLIN.

The great town planning development of Berlin belongs to the nineteenth century. How small Berlin was a hundred years ago can be seen from the fact that the united population was only 57,000 at the end of the eighteenth century for the two townships of Berlin and Kolln (the two Wendish colonies on the right and left banks of the Spree), together with the two small towns of Friedrichsweder and Dorotheenstadt—these two being added to Berlin in the seventeenth century. During the latter half of the nineteenth century the growth of Berlin was however phenomenal, and the population is now (with suburbs) 3,680,000.



The general character of the town planning growth of Berlin is thus described by Mr. Patrick Abercrombie (*Town Planning Review*, January, 1914):—

“ During the nineteenth century Berlin has gone through the most remarkable transformation of any European city. Beginning from the lowest possible level to which it is possible that a town can sink—occupation by a foreign army—it rose at first sluggishly, but owing to the successful issue of two great wars, with a speed increasing in geometric progression, to its present height of third city of Europe. The dramaticness of this growth has been thus intensified by the stagnation which naturally ensued upon the disasters with which the century began. With so unusual a political history it is not surprising that Berlin, in the character of its growth, bears little resemblance to other German towns, though all of them felt the same tide of prosperity, and some of them had been, like her, reduced to the ebb by foreign occupation; but only to Berlin was it possible to receive, as capital of the Empire, the fullest impetus.

“ She is in no way as typical of German Town Planning as is Paris of French. Lille might, for example, roughly be said to be in its modernised sections a provincial version of Paris; but Berlin in many respects appears to be behindhand as compared with towns like Cologne and Frankfort. There would appear to have been too sudden an onrush of prosperity for town regulation to be as successfully organised as elsewhere. This does not mean that Berlin does not possess fine streets, squares, gardens and parks—she is even over-supplied with broad and spacious roads; but what it does mean is that looking at the plan of the town at the end of the nineteenth century, there does not appear to us to have been exercised over it the same comprehensive control as is evident elsewhere.

“ As an example one has only to mention that Berlin contains no typical German Ringstrasse, although she has had an inner line of fortifications to demolish, which gave her exactly the opportunity for a wide internal boulevard, and also an outer Customs or Town Wall; furthermore, she has naturally grown, on one side at least, on the spider's web plan, which is admirably suited for the selection of one natural ring to be artificially enlarged into an encircling belt, as has been done so successfully at Cologne and Vienna. A great attempt was made in the middle of the century, but, as will be noted later on, the results are spasmodic, and in several instances continuity is entirely shattered by the overwhelming importance accorded to railways and sidings.

“ By the year 1862, as the result, one must surmise, of the railways, the growth of the town was become so considerable that a courageous attempt was made to cope with the whole problem in a comprehensive way. The Town Wall no longer corresponded to the area of the city, which had grown greatly towards the west and north, though it was still within its boundary on the east. It is much to be regretted that the suggestions which were then made were not fully acted upon. As it is, fragments have been carried out here and there, but without coherency. Without knowledge of the projects which were elaborated at this time, one is at a loss to account for the sudden appearance of enormous wide streets such as the Gneisenau Strasse, which apparently start without reason, and end in some narrow alley.

“ Actually at the northern side of the town one can trace no fewer than four rings none of which are logically carried out to completion. The innermost ring is the street already alluded to on the old fortifications.

"Outside this there is an almost complete ring starting from the top of the Friedrich Strasse on the side of the town wall beginning with the Alsace and the Lorraine streets; but at the point where the town wall wanders off from its circular shape, this ring also wanders, and the Spree is only reached with a narrow Krautstrasse, which is not furnished with a bridge.

"Outside this again is what should have been the real 'Boulevard exterieur,' a most useful circulation ring. For three-quarters of its length it is a wide and useful street, connecting up many radials.

"This third ring, which includes the wide Danzig, Elbinger, and Petersburg Strasses, is strangulated at both ends. Across the Spree to the south, it follows the line of the old railway connection, this section being made use of as far as the Hallesche Tor (Belle Alliance Platz), by the overhead, and it may be considered to complete itself so far as the Brandenburg Gate along the Koniggraterstrasse, still following on this western section, the old Town Wall. It thus only requires a comparatively short connection outside the Brandenburg Gate, across the Spree and the Charite, to complete its circuit beyond the Stettin Station—a connection which it is needless to say can never possibly be made, but which is practically made by the Wilhelm and Louise Strasses.

"Finally a fourth ring was also projected at this same time clean outside the then boundary of Berlin, though now it would fall within the greater part of it. This ring may still be carried out fairly completely on the north, as it runs for part of its length through comparatively unbuilt-on areas. It may be said to begin on the west with the Seestrasse, near the canal, which forms a junction between the Spandau and the southern canal, and cutting in a straight line in a north-easterly direction it crosses the Mullerstrasse, continuing in a straight line as far as the Oskarplatz. From here as the Kristianiastrasse and Bornholmstrasse it proceeds almost due east until it meets the Prenzlauer Allee, and continues just within the boundary of Berlin proper, which it crosses near the Landsberger Allee; from hence it will find its way down to the Spree. The southern section, which did not take such a wide sweep, has become in consequence hopelessly confused, but fragments of it may be easily traced; the broad Gneisenaustrasse, whose course is checked by the mass of lines from the Potsdam and Anhalt stations, would, but for this obstruction, form a straight line with the Bulowstrasse. As it is a detour must be made in order to connect, by means of York Street, the greater part of which burrows underneath interminable railway arches. From the Bulowstrasse, however, its course is clearly marked, being that taken by the overhead railway, which passes along the Nollendorfplatz, the Wittenbergplatz (where the overhead becomes an underground), along the Taubentzenstrasse, until it crosses the Kurfurstendamm at the August Victor Platz. From here the Hardenberger Strasse leads to the termination of the original Charlottenburg Chaussée. From this point the old bent Berlinstrasse, leading to the Charlottenburg Schloss, completes the ring as far as the Spree. It is possible, however, that a wider sweep at this western end was intended, and that the Kantstrasse, the Savignyplatz and Kaiser Frederick Strasse would form the final connection with the Spree. The northern portion of its outermost ring may yet be carried through. Though its direct connection with the Spree on the east extremity would seem to offer almost insuperable difficulties, its southern must always remain hopelessly disjointed.

"The prolongation of Charlottenburg Chaussée by the Bismarckstrasse was also foreshadowed at this time, though curiously the line was given a slight southern bend; fortunately the straight axis has been continued.



"As an example of subsequent planning, it may be mentioned that at this date the Kurfurstendamm, that wide and imposing Charlottenburg Avenue, consisted merely of a raised bank, as its name suggests. The fact that this bank happened to be in this place, and running in a more or less straight line as far as the canal, was actually no reason why an immense wide street should be laid out on the site. This, however, was done, with the consequence that it gathers up a great volume of traffic by reason of its spaciousness, but does not know what to do with it at the end nearest to Berlin, where it has to cross the canal and penetrate by a narrow twist to the street which encircles the Tiergarten, on its southern side. The Kurfurstendamm is in fact a most important radial route put down without serious thought of its connection with the centre.

"Turning to the radial roads running north and east, where the natural planning has preserved a really more practical road scheme, though one devoid of artistic effect, it may be noted that those sections of the road which appeared without the town wall in the 1856 plan have been carried out wisely with increased width. This widening out is very noticeable on the Schonshausen, Prenzlauer, Landsberger, and Frankfurte Strasses, which at these points assume the suitable name of Allee. Berlin is engaged at present in carrying this greater width at enormous expense into the heart of the old commercial city."

From 1870 onwards to 1900 the guiding features of Town Planning developments in Berlin seems to have been that of rigid adherence to the conditions laid down under the Prussian Streets and Building Lines Act 1875, and the preparation of town plans by the smaller suburban municipalities with which the City of Berlin is surrounded.

At the opening of the twentieth century it was however recognised that the time had arrived for the preparation of a comprehensive town planning scheme, and a Commission was set up for the purpose of preparing a Town Planning Scheme for Greater Berlin. This Commission is now actively engaged in its work.

#### THE DEVELOPMENT OF BRUSSELS.

The capital city of Belgium—Brussels—was made the subject of much interesting town planning work in the nineteenth century, and the changes carried into effect during the first half of the century were largely on the lines suggested by Napoleon I., when he had command of the country in 1803. These suggestions included the destruction of the fortifications and the construction of boulevards (on the same lines as the grand boulevards of Paris), the development of a new and larger zone of fortifications, including in the zone a great field for military operations, and the construction of a great avenue from the city to the forest of Soignes. Of these the first and last were carried out.

Between 1840 and 1861 the Quartier Leopold, an interesting example of definite planning on chessboard lines was carried into effect. Between 1860 and 1880 the fine Avenue de Louise was formed, and many streets were enlarged to form boulevards. But the most valuable accomplishment of this period was the construction of the Central Boulevards, including the Boulevard Anspach and the Boulevard Hainault.



In one respect the experience of Brussels has been better than that of Paris, Berlin and Vienna, for during this period of change the preference of the Belgian workman for the small self-contained house has been sufficiently strong to give an effective check to the extension of the tenement system, and as a result this charming city has been saved from a great blunder.

At the opening of the twentieth century the work of town planning embellishment entered on a new phase, and at the present moment the houses in a great central quarter are being demolished and much interesting replanning work is being carried into effect.

### TOWN PLANNING IN SCANDINAVIA.

In the course of time the example of Paris was copied in Scandinavia, and several towns in Sweden were made the subjects of special Town Planning action.

It is interesting to note that in point of time Sweden can claim priority over Germany in regard to Town Planning legislation, and that Finland is in advance of both of them.

The following extracts are taken from the Swedish Act passed on May 8th, 1874 :—

1. For every town there shall be prepared a plan for the regulation of its general arrangements, and of the building within it. The plan shall regulate, not only the buildings, but the streets, the markets and other public places.

2. Those plans regulating the building in a town which are now in force, either because they have received the approval of the King, or, lacking the King's approval, by virtue of their age, shall continue in force in relation to all matters respecting which no change is made by this law.

3. No building must take place in a town which contravenes the regulations of the existing plan, nor shall a town be extended into a district for which no building plan has been prepared.

4. Should the extension of a town into a district, which is not included in its building-plan become necessary, or, for some other reason be desirable, a plan must forthwith be prepared for the said district, in order that no difficulty may be created by the erection of buildings before a plan is prepared.

5. Questions respecting the town-plan are dealt with by the Town Commissioners, or, where no such Commissioners exist, by the Town Council. The plan decided on must finally be submitted to the King for examination, unless the matter in question is of small importance, such as the determination of the boundaries of an individual building site, in which case the plan decided on, if it has the approval of the Government, may be carried into effect without being submitted to the King.

6. The town-plan shall be carefully drawn on the scale of one-two-thousandth part of the actual dimensions. On the plan, or on a supplementary plan, the contours must be clearly shown. The plan shall be accompanied by the necessary explanations.

7. The town-plan must be prepared so as to ensure as far as possible, that the requirements of traffic, in respect to ample space and convenience, shall be supplied ; that the light and air needed for health shall be provided ; that the danger from fire shall be guarded against ; and that there shall be open spaces, the variety of construction, and the beauty necessary for æsthetic reasons. For this purpose, care must be taken amongst other things :

That the streets shall be wide, and shall run in the direction most suitable for traffic.

That large and suitable sites shall be provided for markets, harbours, and other places, where there will be much traffic.

That wide promenades or boulevards, with shrubberies in the middle, and roadways on each side, or with other suitable arrangements shall traverse the town, if possible in various places, and in various directions, and that as many open spaces as possible, planted with trees and shrubs, shall be provided in the town.

That on the one hand, the residential districts shall not be so large or so crowded with houses, as to prevent the free passage of air, or to interfere with the work of extinguishing fires, and, on the other hand, that in the said districts the building sites shall be of sufficient size to allow of the erection of commodious dwellings, and the provision of open and well-ventilated yards.

That where possible, lines of back gardens shall be so arranged in the residential districts of the town, that there shall be on each side of the gardens a line of building sites ; and also that where desirable and possible, there shall be front gardens between the houses and the streets.

8. In no circumstances must the said back gardens and front gardens be built over, or used for any other purpose than that of gardens or other form of planted space ; and it shall be the duty of the building surveyor to see that this regulation is enforced. It shall be the duty of the owners to keep the gardens always in good order.

9. Within a period of two years at the latest from the coming into force of this law, there shall be prepared for every town in the kingdom a statement showing what parts of the district for which a plan has been prepared, it is intended in accordance with this law to incorporate as a district of the town. The said statement shall, within the period stated, be submitted to the King for approval, together with a plan of the town, which must show clearly, both the boundaries of the districts, and the extent to which the various districts are covered with buildings.

10. The improvement of existing towns is also provided for.

11. When a new plan is prepared, or an existing plan is altered, for the regulation of one or more districts of a town, regard must at the same time be had to the future regulation of other town districts which may possibly come into existence, so that a harmonious arrangement of the whole town may be obtained.

12. All the provisions respecting towns, contained in this law, so far as they are relevant, are applicable also to market boroughs, ports, fishing villages, and other places in which there is a large concentrated population, should their application be called for by circumstances, and the King's Government, after due consideration, so resolve by a decree submitted to the King for examination.

In 1907 this Act was amended, and the result of the amendment is to make the powers resemble a combination of the Italian and German methods of Town Planning.



The Town Council of Gothenberg has given great attention to Town Planning development and especially to the planning of new suburbs.

The accompanying plan of Stockholm shews that the plan of this city does not possess any special merits. It is of the rectangular type so familiar in German cities and so costly in actual operation.



Plan of Stockholm.

Stockholm possesses two of the most able municipal officials in Northern Europe in Major Kinberg (Chief City Engineer) and Mr. Hallmann (City Architect), and these experts have done all within their power to break away from the earlier plan.

A specially admirable feature of the new departure in Stockholm is the great encouragement given to garden suburbs. Sweden is rich in lake and forest, and these garden suburbs planned out on the shores of lakes and nestling in forests are amongst the most beautiful examples of garden suburb planning that the world can shew.



## TOWN PLANNING IN THE NINETEENTH CENTURY. 101

In both Christiania and Trondjhem, under special powers town planning progress has been made, but Norway still lacks a general code of town planning legislation.

In old Copenhagen there are some squares developed under French influence, and two of these (Amalienberg Place and Kristian Place) are admirable examples of town planning development.

In 1909 the City Council of Copenhagen secured by means of a competition a plan of proposed future developments of the City—parks, open spaces, &c.—and the way, therefore, is being prepared for legislative action. The City also possesses power to govern the width of streets and thus is able indirectly to bring pressure to bear upon owners. Full town planning control is not as yet in the hands of the Council. There is, however, a strong movement in favour of Town Planning action.

### TOWN PLANNING IN SWITZERLAND.

In at least four of the principal cities of Switzerland—Geneva, Zurich, Lausanne and Basle—valuable Town Planning work has been done. Much of this work has been done under powers enabling Local Authorities to fix lines of streets, but whether by special legislative powers or under regulations as to street width or construction, many Swiss towns have been successful in securing a large measure of ordered growth.

### TOWN PLANNING IN ITALY.

In a valuable report on "The Condition, Improvement and Town Planning of the City of Calcutta and Contiguous Areas," Mr. E. P. Richards thus describes modern Italian action in regard to Town Planning.—

"The Italian method of obtaining both urban and suburban comprehensive road and street planning, including street widenings, land for public gardens and squares, &c., may be summed up roughly in a few sentences:—Corporations and landowners, usually in friendly co-operation, prepare comprehensive road-schemes to permit orderly growth of the city in every direction. Owners are paid for all land and property taken. Compensation is assessed at the value the property and land has when taken, *quite apart* from any value given to it by either the proposed or executed works. Any owner whose property value is raised by the contiguity of the new roads, contributes to the cost of them (*i.e.*, to the cost of buying the land and making the road, &c.). Owners have to contribute to the extent of half the Higher Value (betterment) caused by the new work. In practice, it is found that the contributions for betterment are sufficient to pay for purchase of land and construction of the road and street system; and to pay a large proportion of the cost of great avenues, main roads, public squares, gardens, and bridges. Owners often combine to press forward the execution of Italian Corporation town-planning projects. Opposition does not appear even to be formidable. Mutual co-operation between owners and communal council is the general rule. The owners need not contribute at a greater rate than 10 per cent. per annum of half the full betterment assessment. Italian Corporations usually raise loans in the first instance to start their projects going. So soon as work starts, then betterment money begins to come in. Italian town planning is not optional, but is in practice compulsory for all urban communities of more than 10,000 people."

## TOWN PLANNING IN VIENNA.

The beautiful capital city of Austria can claim two great Town Planning achievements, viz., the construction of the Ring Strasse on the lines of the old fortifications, and the work of girdling Vienna with meadows, woods and forests—reserved for the use of the people of Vienna for all time.

The Ring Strasse was formed on the site of the old Glacis, and the accompanying plan of a section of the ring will shew the character of the achievement.

The work of providing a girdle of woods and forest around Vienna was due to Oberburgomeister Karl Lueger who died in 1910, and the following description of this achievement is reproduced from a report by the Editor of the *Municipal Journal*, Mr. A. E. Cave, of the visit paid to that city in September, 1909, by the National Housing and Town Planning Council. It will be seen that Mr. Cave also gives an interesting description of the municipal franchise in Vienna and a general description of the growth of the city:—

“ Vienna has more open spaces than London, or Paris, or Berlin, and thanks to the far-sighted wisdom of its Oberburgomeister, Dr. Karl Lueger, that generous provision can never be curtailed, for it is one of the city's regulations that the forests on the outskirts are to be preserved for all time. No building of any kind is permitted upon this land, and the forests will for ever form a link in the green girdle that surrounds the town. The city is purchasing estates wherever it can, and we went over one of them, upon the heights of which a mansion commanding a magnificent view was being converted by the municipality into a hotel and restaurant.

“ The key to the Town Planning policy in Vienna, as in many other cities in Austria and in Germany, is to be found in the sites of the old fortifications. Vienna has two girdles of green, an inner and an outer girdle. Both are on the sites of fortifications, and in these assets the municipality found an opportunity that can never present itself to more than one or two of our English local authorities. But it is to the everlasting honour of Vienna that she rose to the occasion, and refused to allow these belts to be built over. The city designed open spaces upon these sites, magnificently beautified them with statuary and landscape gardens, thereby making one of the ‘ Town Planning ’ wonders of an envious Europe.

“ Before describing the building and other town development regulations of Vienna, it may be appropriate to devote a few words to a brief résumé of the city's principal municipal features. The City Council consists of 158 elected members, who are chosen on the ‘ four class ’ system by an electorate that embraces all men over 24 years of age. This four class system was a subject of keen interest to members of the party, and I think the details of it will be just as interesting to our local authorities. The class division is as follows:—

“ CLASS 1.—Men who pay in taxes on property at least £10; or in taxes upon houses at least £20; or in taxes upon business profits at least £5; or in income tax at least £10. This class elects 46 councillors.

“ CLASS 2.—This class is composed of the freemen of Vienna, clergymen, employees of the State and the Municipality (higher grade), doctors, engineers, and all who pay £2 in taxes upon any one of the objects named in the first class. This class also returns 46 councillors.



" CLASS 3.—This class is composed of all who pay on any of the same taxes 8s., and of the lower grades of civil service employees, the income tax limit, however, being £1. This class also returns 46 councillors.

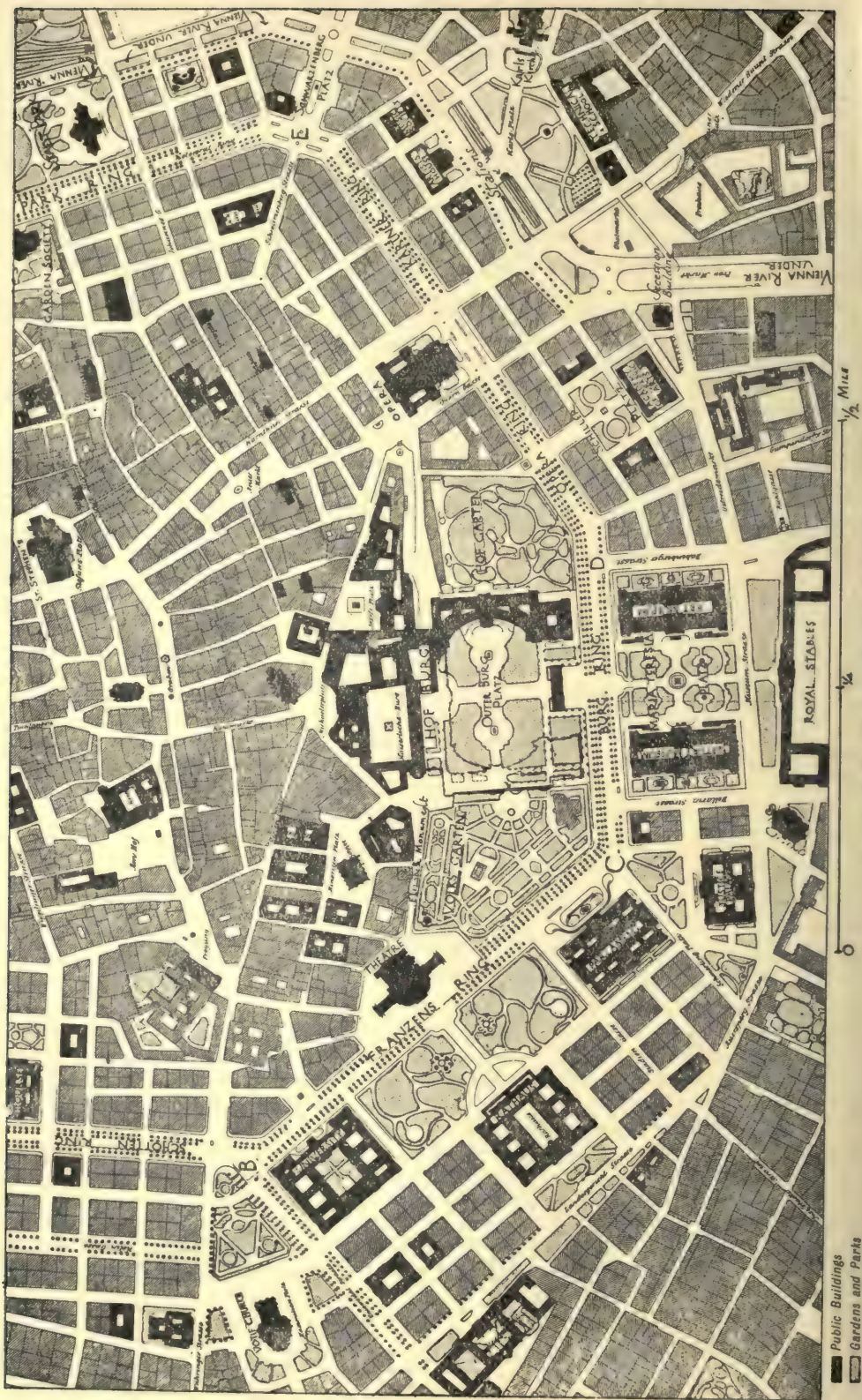
" CLASS 4.—This class is composed of all voters over 24 years of age, including the members of the first, second, and third classes. This class returns only 20 councillors.

" The system is ingeniously devised to swamp the votes of the masses of the people, and the wonder is that under such an undemocratic régime the municipality pursues one progressive a policy. The reason is to be found in the personality of the Oberburgomeister, who, as in the other cities we visited, is a man of strong character and of ceaseless energy, who is implicitly trusted, and who has earned a great reputation by many years of public service.

" Geographically, Vienna is a county. In certain matters the city is autonomous, and one of these matters is the making of town-planning laws and bye-laws and building regulations. The area of the city is 67,500 acres, about two-thirds of which is situated on one side of the Danube and one-third on the other. Of this area about 7,250 acres is covered with buildings. Streets, railways, water undertakings, cemeteries, gardens, and public buildings occupy 13,250 acres, and about 47,000 acres are still to be built upon. The greater part of this large tract of ground came within the city boundaries in 1903, when a large extension took place in order that a town planning scheme might be prepared for Greater Vienna. The area has hitherto been divided into zones, in which certain classes of buildings are stipulated for. In the first zone, which covers the centre of the city, buildings of five storeys are permitted (the ground storey included). Right inside the inner zone some buildings of six storeys are allowed. Within the second zone only four storeys are permitted; within the third, two storeys, with the proviso that the houses must be entirely detached, and in another district a huge area is exclusively reserved for industrial buildings. The determining factor in allocating this land was the prevailing winds, the object being to take the smoke from the city, instead of to it.

" In thoroughfares which have a width of forty-eight feet, the height of the houses cannot exceed seventy-eight feet. In streets with a width of from forty to forty-five feet the height of the houses must not exceed seventy feet. In streets which are less than forty feet wide buildings must not exceed sixty feet in height. The building site must not be covered to a greater extent than eighty-five per cent. of the whole. These are the regulations that have hitherto been adopted, but they are varied in the new housing laws which will shortly be promulgated. The height of the houses will then depend not so much upon the width of the street as upon the extent of the yard space. In the first district, for instance, the length of the yard will have to be one half the height of the house; but that general rule will be subject to certain variations. If the house is newly built the yard must be two-thirds the height of the house, and if a house is rebuilt one-third. In the fourth district or zone the length of the yard must be at least the height of the house, and so on. In the district reserved for manufactories it is nearly impossible to build workmen's houses, on account of the price of the land, and a few tenements only will be erected for employees. Upon certain land the owners are forbidden absolutely to build, and if they do not wish to retain the property in their possession under such circumstances, then they may sell it to the municipality at its actual value—without any payment for compensation. Owners of property are also prohibited from cutting down trees without the permission of the municipality. As a rule, when consent is given conditions are imposed which make it imperative that other trees shall be planted elsewhere.





A Section of the Ring Strasse at Vienna.



"Special care is being taken in the development of a large area of forest land that came into the possession of the city as a result of the extension of 1903. Part of the property consists of an extensive woodland belt, about 4,250 acres in area, of which 1,625 acres is already owned by the municipality. The town makes a practice, like most of the German cities, of purchasing as much land as it can. In some cases, of course, the owners do not wish to sell, and compulsory powers are then applied on the basis of arbitration terms. Stories were told us by the municipal officials of some amusing difficulties which have at various times occurred with property owners. In one case the proprietor refused to sell, and the town authorities for some reason or other did not think it desirable to go to arbitration, so the municipal authorities bought up all the land around the unwilling owner, thereby isolating him, making his land inaccessible, and eventually reducing him to reason. The city is about to construct a roadway nearly 17 miles in length through the heart of this woodland property from Vienna to the Danube. All sorts of traffic will be provided for, including vehicular and pedestrian.

"The result of all these regulations has produced a curious effect upon prices. The most expensive land in the city is that upon which the highest buildings are erected. Sub-urban property, where the houses must be limited in height, and where more ground must be utilised, is cheaper in proportion than the five or six storey land which attracts speculators and stimulates competition. In those districts devoted to the provision of workmen's dwellings the regulations stipulate that there must be fifty-four feet between each block. These blocks, it must be remembered, are huge structures, and in many cases house a thousand or two of tenants. We were taken to see one of them, which our guides told us was the counterpart to the London Rowton House. It was established about twelve years ago, to commemorate the Jubilee of the Emperor, and was constructed by a society with a capital of £50,000. To-day the capital of the company stands at three and a half times this amount, and a second house is being built, whilst there are also some cottages in various parts of the city.

"Most of the tenements we saw were designed for families, and there were also lodging-houses for men and women. In this huge block four hundred families lived, or a total population of two thousand persons, including eight hundred children. The scheme is not yet finished, but when it is the tenements will accommodate four thousand persons, and the company looks for, and gets, a return of three or four per cent. from its investment. In one block we found 288 tenements in a building which, with its appurtenances, covered about two acres of ground. This is housing at the rate of about 144 houses per acre, an object lesson which the visitors seem to think it desirable that we should avoid rather than copy. The average rentals are for one room, 20s. monthly; for two rooms, 30s.; and for three rooms 35s. It will be seen that the rents are by no means low. Attached to each block there is a library, and the tenants receive medical and legal advice free. Most of the members of the party thought housing of this character dear at the price.

"Land on which such buildings are erected is, as I have said, amongst the most expensive within the boundaries of Vienna. The cheapest land is that upon which the erection of anything but small buildings is prohibited. 'The result of allowing five or six storeys,' admitted an official, 'is to increase the price of the land.' When the owner wants to build houses he obtains from the municipality a building plan showing where the streets must go. He is obliged to give to the authorities, free, gratis, and for nothing, land representing half the width of the street, but he pays nothing towards making up the thoroughfare apart from the footpaths. The latter, however, has to be done at his expense. The maximum amount of land which an owner is obliged to give the municipality is a width of 70 ft. If more land is needed for open spaces the authorities buy it. In our country builders often

complain that they are compelled to build the walls of houses too solidly. What would be said of the following conditions, which are actually in operation in the city of Vienna? The walls in the two top storeys must be one and a-half feet thick; those in the third storey from the top must be two feet thick, and as the storeys descend the walls must increase in width about half a foot until the ground is reached. In iron and concrete buildings the walls must be one and a-half feet thick throughout the whole house. These bye-laws were made nearly twenty years ago, and have never been relaxed."

### THE WORK OF OBERBURGOMEISTER VON WAGNER AT ULM.

The following report on Town Planning in Ulm is also from the pen of Mr. A. E. Cave:—

"Ulm has a great deal to teach English Town Planners. The success of Ulm is due almost wholly to the enterprise of its Oberburgomeister, Herr von Wagner. A German city leads the way or hangs back in the race according to the pace that is set by its civic chief, who is the direct representative of the monarch. Thanks to Oberburgomeister von Wagner, Ulm-on-the-Danube is right in front. Excluding new Ulm, the city has 56,000 inhabitants, is a fortress, and a military, manufacturing and commercial centre.

*"The secret of its success in Town Planning lies in the fact that it possesses, and exercises land purchase power."*

"At the end of the nineteenth century the town had absorbed all the land within the circle limited by the fortress in 1850. It was necessary to extend this circle, and the walls were given over by the military and sold to the town in 1902. The principal points in the development plan were:—

"(1) To make direct roads from the gates of the old wall to the main roads leading to all parts of the country;

"(2) To connect the suburb Söflingen, which was united in 1905 with Ulm, with direct new main streets;

"(3) Within the walls to make main roads (boulevards);

"(4) A new goods railway station in the west of Ulm is to make a connection with Ulm.

"In dealing with the ground, the latter was appropriated for different purposes as follows:—

"(1) For trades, small industries, and dwelling-houses for the general population, the valley between Ulm and Söflingen. In order to economise space the Council decided to build in rows, without breaks between buildings. This is called Order I. For very large industries land is reserved in the east of Söflingen connected with the goods station by a railway line constructed by the town. The same thing is to be done in the east of Ulm;

"(2) For workpeople and peasantry of the suburb Söflingen, the land in the north-east of Söflingen. The houses are to be built at 17 ft. distance. Order II.;

"(3) For ordinary family houses, the hill in the south of Söflingen. The houses are to be built at a distance of 23 ft., called Order III.;

"(4) For villas and better houses, the hill on the west of Ulm. Houses with a distance of 33 ft., called Order IV.;

"(5) For best-class people, the 'Michelsberg,' a sunny hill north of Ulm. Distance between houses 47 ft. Order V.;

"(6) For recreation and sports, the woods in the east of Ulm (Friedrichsau);

"(7) For a future harbour, land in the east of Friedrichsau, near the Danube.



# TOWN PLANNING IN THE NINETEENTH CENTURY. 107

"When the inner walls were given over in 1902 the ground outside this boundary—on which building was formerly prohibited—rose greatly in value. The far-reaching improvements contemplated by the town could only be made if the town purse, and not the former proprietors of the land, obtained the benefit of the rise. It was not possible to acquire the profit in the form of duties, therefore it was necessary that the Town Council should buy as much land as possible before the fortress was handed over. The following list shows the town's operations in this direction:—

Year.	* Bought.			* Total price. (Marks).	* Sold.			* Total price. (Marks).
	hectares.	ares.	quadrat metres.		hectares.	ares.	quadrat metres.	
1891/92	2	15	80	53,792	—	32	59	13,700
1892/93	63	47	20	322,346	—	95	83	36,286
1893/94	1	64	45	29,534	4	44	53	38,325
1894/95	3	55	90	36,433	2	54	25	35,617
1895/96	8	33	93	131,977	3	54	07	273,415
1896/97	3	63	50	119,736	1	65	25	115,272
1897/98	37	69	68	542,084	7	64	57	459,215
1898/99	8	89	28	178,975	9	50	65	248,646
1899/00	46	65	02	165,250	5	56	29	428,602
1900/01	32	44	25	184,229	2	13	32	203,010
1901/02	8	64	53	155,549	3	12	23	148,766
1902/03	4	89	09	92,968	3	80	42	208,772
1903/04	80	88	00	179,172	38	68	62	257,766
1904/05	45	37	46	673,940	13	69	59	557,446
1905/06	58	99	49	1,193,867	41	12	10	2,037,613
1906/07	24	79	76	788,149	6	44	48	454,603
1907/08	31	51	17	484,845	16	11	30	1,063,638
1908/09	25	94	94	505,976	2	66	96	242,500
	489	53	45	5,838,822	163	97	05	6,859,192

\*Bought .. 489 hectares 53 ares 45 quadrat metres .. Total price 5,838,822 Marks.

\*Sold .. 163 hectares 97 ares 05 quadrat metres .. Total price 6,859,192 Marks.

*Result in land profit	} 325 hectares 56 ares 40 quadrat metres ..	} Total money profit 1,020,370 Marks.

"The town now possesses in land 325 hectares more than in 1891, and has made a profit of more than a million marks. Ulm has the lowest taxes of the greater towns of Würtemberg. In addition to above-mentioned buying, the town bought the disused fortress, 69½ hectares, for 4 million marks, and, in the old part of the town, houses for 2½ million

\* The hectare is equal to 2½ acres; an are is 100 of an hectare; a quadrat metre is a square metre, 20 Marks equal £1 English.

marks, in order to improve sanitary conditions. To-day the town possesses more than three quarters of the freehold land within the boundary of Ulm and much land beyond this limit, a total 2,000 hectares. Tramways connect the land with the city, and water works provide electric current for tramway and private purposes.

"The possession of land enables the town to keep at a reasonable limit the price of land, and to provide land at a very moderate rate for undertakings of public interest: for industries, houses for workmen, &c. A condition of the sale of land is that it must be built upon in a certain time, and the Council is entitled to reclaim the land at the sale price, adding 3 per cent. interest if the purchaser does not build or if he proposes to transfer before building takes place. For workmen's houses ground is sold at a moderate price, but always with conditions which prevent the making of profits in selling the houses.

"The town itself has built 175 houses with 291 flats for 1,367 inhabitants. The town constructs the houses, and the purchaser pays the net price; 10 per cent. down and the balance at 3 per cent. interest and about 2 per cent. amortisation. In order to retain for the future the low prices and the letting, the town is authorised within 100 years to take back the houses for the original selling price under the following circumstances:—

"(a) If the man is not able to pay the interest;

"(b) If he does not himself live in the house and sublets it;

"(c) If he wants to sell the house.

"Other houses are built by companies under the same conditions."

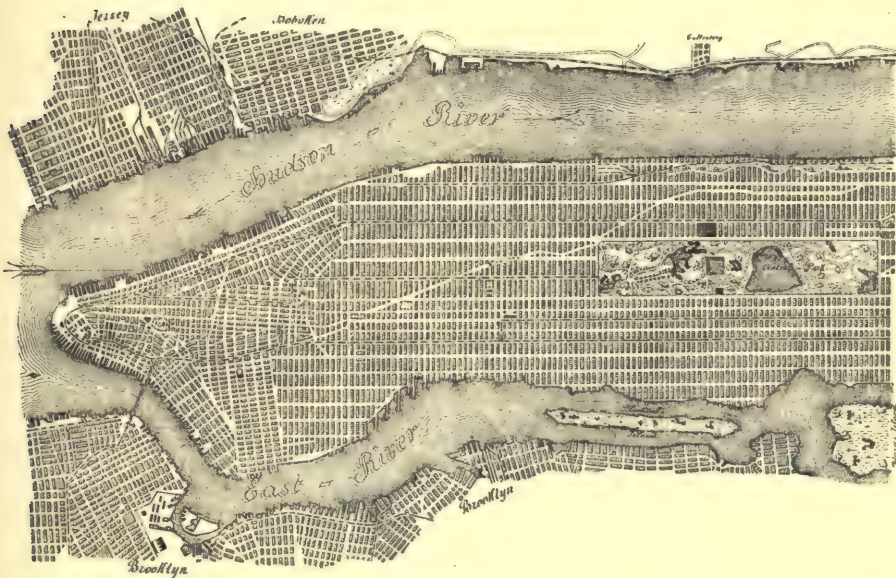
### BUDA-PEST.

The example set by Napoleon III. in Paris is clearly marked in the development of the capital city of Hungary—Buda-Pest.

This plan dates from 1873 and is the result of the action of a Commission comprised of ministerial and municipal authorities. The old quarter of the town—Buda—was not greatly affected, but Pest—the new town on the right bank of the Danube—was transformed. The development of quays and promenades on the bank of the river and the cutting of great central streets has made the city one of the most beautiful in the world, but the tenement method of housing has been adopted as the prevailing type, and in Buda-Pest, as in Vienna, Berlin, Paris, and all the other cities in which this type of dwelling has been adopted, the conditions under which the people are housed is quite out of keeping with the magnificence of the central streets, boulevards and avenues.

## "REAL ESTATE" PLANNING IN THE NEW WORLD.

In the New World several cities were laid out according to definite plans, but these plans can hardly be called town plans, since they are little better than block plans of sites, planned grid-iron fashion to facilitate the operations of speculators in real estate. New York City, as will be seen from the accompanying illustration, was laid out in this way and the plan has been wittily called an "orthopædic corset" plan.



Plan of New York.

This "Real Estate" type of plan—for its wholesale adoption in America and Canada is quite evidently due to the great facilities which it provides for the gambling in land values and the ready purchase and sale of building blocks—has wrought incalculable mischief. Almost all of the good features of town planning care are absent, and as a result of municipal inefficiency the worst features of overcrowding in Europe have been copied and intensified. Builders were allowed to overcrowd sites with buildings in such a way as to render healthy life almost impossible in the poorer quarters of New York, Chicago, and other cities.



## NEW YORK A COLOSSAL EXAMPLE OF BAD PLANNING.

The worst example is that of New York itself. In this city when the Tenement Commission did its work at the opening of the present century it was found that the City was burdened with no less than 82,000 tenement houses, occupied by nearly 3,000,000 people.

Many of the tenements are of the dumb-bell type.

In the Report of the Commission the following description is given of this type of tenement :—

“ The tall tenement house, accommodating as many as 100 to 150 persons in one building, extending up six or seven stories into the air, with dark, unventilated rooms, is unknown in London, or in any other city of Great Britain. It was first constructed in New York about the year 1879, and, with slight modifications, has been practically the sole type of building erected since, and is the type of the present-day. It is a building usually five or six, or even seven, stories high, about 25 ft. wide, and built upon a lot of land of the same width, and about a hundred feet deep. The building, as a rule, extends back 90 ft., leaving the small space of 10 ft. unoccupied at the rear, so that the back rooms may obtain some light and air. This space has continued to be left open only because the law has compelled it.

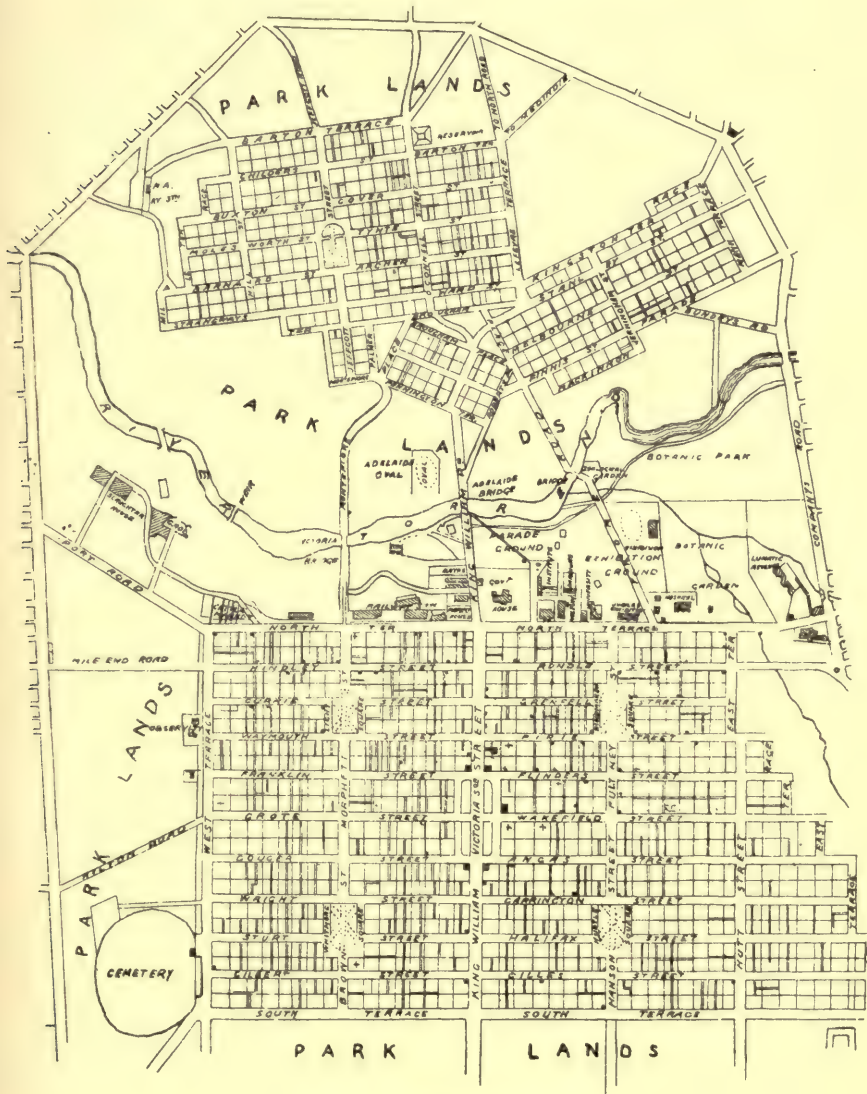
“ Upon the entrance floor, there are generally two stores, one on each side of the building, and these sometimes have two or three living rooms back of them. In the centre is the entrance hall-way, a long corridor less than three feet wide, and extending back sixty feet in length. The hall-way is nearly always totally dark, receiving no light except that from the street door and a faint light that comes from the small windows opening upon the stairs, which are placed at one side of the hall-way. Each floor above is generally divided into four sets of apartments, there being seven rooms on each side of the hall, extending back from the street to the rear of the building.

“ The front apartments generally consist of four rooms each, and the rear apartments of three rooms, making altogether fourteen rooms upon each floor, or, in a seven storey house, eighty-four rooms, exclusive of the stores and rooms back of them. Of these fourteen rooms on each floor only four receive direct light and air from the street or from the small yard at the back of the building. Generally, along each side of the building is what is termed an ‘ air-shaft,’ being an indentation of the wall to a depth of about twenty-eight inches and extending in length for a space of from fifty to sixty feet. This shaft is entirely enclosed on four sides, and is, of course, the full height of the building, often from sixty to seventy-two feet high.

“ The ostensible purpose of the shaft is to provide light and air to the five rooms on each side of the house, which get no direct light and air from the street or yard ; but as the shafts are narrow and high, being enclosed on all four sides, and without any intake of air at the bottom, these rooms obtain, instead of fresh air and sunshine, foul air and semi-darkness. Indeed, it is questionable whether the rooms would not be more habitable and more sanitary with no shaft at all, depending for their light and air solely upon the front and back rooms, into which they open, for each family, besides having the foul air from its own rooms to breathe, is compelled to breathe the emanations from the rooms of some eleven other families. Nor is this all. These shafts act as conveyors of noise, odours, and disease, and when fire breaks out serve as inflammable flues, often rendering it impossible to save the buildings from destruction.”

## TOWN PLANNING IN THE NINETEENTH CENTURY. III

In one respect, however, America and Canada can teach all Europe a lesson of great value, viz. : in the planning of parkways. In this respect much of the work done in the suburbs and smaller residential towns is wholly admirable.



### Plan of Adelaide (Australasia).

## TOWN PLANNING IN AUSTRALASIA.

In Australasia in so far as there has been any planning at all, the grid-iron type of plan has been adopted. The best of the Australian plans is that of Adelaide. It will be seen from the accompanying illustration that five squares redeem the plan from the reproach of the complete grid-iron type. The preference for the cottage type of dwelling has however been sufficiently powerful in the minds of the colonists coming from Great Britain to save the cities of Australia from the infliction of the tenement, and those engaged in the movement which is growing up in Australasia under the guidance of Mr. C. C. Reade, of the Garden Cities and Town Planning Association, will not find the same difficulties to overcome as are found by housing and town planning reformers in Germany, Austria and France, and in such tenement cities as New York, Chicago and Boston in the United States. The Government of Australasia have made a bold and wise departure in securing a plan for the new Commonwealth city at Canberra.

## THE LACK OF TOWN PLANNING IN GREAT BRITAIN.

The record of town planning achievement in Great Britain during the nineteenth century is so small as to bear witness to the almost complete absence of any kind of interest in the subject. It is true that several seaside towns and health resorts such as Eastbourne and Southport, were laid out on good lines as a result of the enterprise and foresight of the owners of the land, but for the greater part the century was one of unparalleled progress in town development and of inexcusable neglect of town planning care.

The disordered growth of British cities in the nineteenth century is however dealt with in detail in succeeding chapters and the further discussion of the subject is left for treatment there.



## CHAPTER V.

THE NEGLECT OF TOWN PLANNING IN GREAT BRITAIN  
THROUGHOUT THE NINETEENTH CENTURY.

**I**N the preceding chapters the town planning achievements of Kings and Princes prior to the nineteenth century, and of great municipalities in the nineteenth century, have been passed in rapid review. Of these achievements it will not be unfair to say that, except towards the end of the century, the sum of the advantages conferred by them on the great mass of the working people in Europe was not great. Kings and princes built great palaces with fine "places" and beautiful gardens, as at Vienna, Nancy, Karlsruhe and Versailles. Owners of land and building speculators developed estates for wealthy people to inhabit (as at Edinburgh, Bath, and in the London Squares); grandiose towns with fine boulevards and open spaces were developed by municipalities, especially in Germany, but sufficient care was not exercised in regard to the general growth of the districts in which the working population pass their lives.

It is possible that this criticism may be regarded as unjust, at any rate as far as the work of some German municipalities in the last years of the nineteenth century is concerned, but it must, however, be recognised that the type of town planning adopted in most continental towns is fundamentally bad, for the people are closely packed in tenement houses, with the result that behind the spectacular boulevards and imposing streets of Berlin, Vienna, and many other cities, conditions in regard to housing exist which are truly appalling.

Of the justice of the criticism as far as Great Britain is concerned there can be no doubt whatever, if only because we have failed to exercise any kind of town planning care at all.

Arnold Toynbee is responsible for the term "industrial revolution," as applied to the period which began in 1760, and it is true in the sense that the inventions and discoveries made in the latter half of the eighteenth century have completely transformed the conditions of life for the great mass of our population.

To-day the typical Yorkshire weaver of woollen cloth lives in a dreary row of stone houses in a town of many thousand inhabitants. In the time of Defoe he lived in a village, and was in many cases a master man, as will be seen from the following description of a district near Halifax in Yorkshire.

"The land was divided into small enclosures from two acres to six or seven each, seldom more, every three of four pieces of land had a house belonging to them; . . . hardly a house standing out of a speaking distance from another; . . . we could see at every house a tenter, and on almost every tenter a piece of cloth or kersie or shalloon. . . . At every considerable house was a manufactory. . . . Every clothier keeps one horse, at least, to carry his manufactures to the market; and every one, generally, keeps a cow or two or more for his family. By this means the small pieces of enclosed land about each house are occupied, for they scarce sow corn enough to feed their poultry. . . . The houses are full of lusty fellows, some at the dye-vat, some at the looms, others dressing the cloths; the women and children carding or spinning; being all employed from the youngest to the oldest. . . . Not a beggar to be seen nor an idle person."

Then came the industrial revolution and the consequent substitution of the mill and factory for the home workshop. The small master became either a factory owner or a wage earner. Towns which were favourably situated either for manufacture or commerce have been completely transformed. For example, in 1760 the population of Liverpool was 40,000; it now has 746,741 (1911 Census). Manchester then had 30,000; it now has 714,333. Birmingham had 30,000; it now has 525,833. Sheffield had 30,000; it now has 454,634. Nottingham had 18,000; it now has 259,904. Hull had 20,000; it now has 277,991. Newcastle, including Gateshead and North and South Shields, had 40,000; now Newcastle alone has 266,603.

During the greater part of the period which elapsed between 1760 and the passing of the Public Health Act of 1875, those responsible for the government and administration of cities seem to have been absolutely blind to the need for the exercise of forethought and care, and as a nation we entered upon a period of growth and change quite unparalleled in our history, without any kind of governing principles of town development, and with an almost complete absence of any sense of responsibility for good administration. The nation was hopelessly unready for the new order of things. Political philosophers were committed to a policy of individual liberty exaggerated until it meant social anarchy. Landowners and manufacturers were eager to build up fortunes, but whilst tenacious of rights, were forgetful of duties. Municipalities were so ineffective and corrupt that in 1834 a Municipal Corporations Act had to be passed to lay anew the foundations of good municipal government. The people were so careless and indifferent to the conditions of their homes that one searches almost in vain in the records of the earlier Labour Unions for any word of protest against the squalor of the streets and alleys in which they lived.

Of the captains of industry and their failure to guide and control the development of the towns growing up around their factories and mills, it may be said that this failure was "all of a piece" with the disregard of the conditions which make the Reports of the Select Committees, which sat in the early part of the nineteenth century to consider the subject, painful reading even to-day.

Political agitations swept the country from end to end in this period, but the great mass of the poorer members of the community exhibited little interest in their surroundings, and what demand there was for improvement in housing conditions came from a small body of men.

The French proverb "To understand all is to pardon all," does not apply to the lack of care in this period of great industrial development. The neglect and inaction of Parliament in the first half of the nineteenth century can only be explained on the ground that in the political theories then generally accepted as to the relation between the individual and the State the desirability of leaving the individual to work out his own salvation was exaggerated to such a degree as to produce a kind of social anarchy.

The lack of cohesion in estate development in this period is quite unpardonable. It was not that examples of good planning by landowners were absent. The examples of the new town of Edinburgh and of the London Squares, were well known, but quite evidently those responsible for the management of most of the landed estates in towns were blind to the terrible results which were bound to ensue from their lack of care in planning and control.

The evil effects of this chaotic neglect of care in planning is apparent in every town and village which experienced growth during the period between 1760 and 1875. Blind alleys grew up which in the course of time became "stagnant ditches" of population living under conditions which made it "easy for men to do wrong and hard for them to do right."

The hopeless folly of all this will be realised in studying slum areas in great cities, and the accompanying plan will serve as typical of most of them.

It will be seen that no kind of order in planning can be traced. Each man engaged in developing his land was a "law unto himself." Considerations of air, light and sanitation had no weight whatever. A favourite method of intensive development is illustrated in the case of Birmingham. Ranged in right angles to many old streets are rows of courts. The houses on the right hand of one court are placed back to back to the houses on the left hand of the next court. At the end of the court, facing the entrance to the street, are the sanitary conveniences. Not a blade of grass, not a tree can be seen from the houses. They are in effect little better than "brick hutches for human rabbits." It is true that





Plan of an Industrial Quarter in a Midland Town.—The Black Line denotes the old Ecclesiastical Parish.  
(It will be seen on studying this Plan that no kind of order in Planning can be traced.)

in many of these houses good and even beautiful lives have been and are being lived. The best in human nature is great enough to rise superior to conditions worse than these. But at the best, life in these dirty, squalid, insanitary surroundings can only be poor and mean.

The question of the suitability of a site for dwelling purposes had nothing whatever to do with its development. Marsh land as well as dry land, was covered with dwellings. Here is a picture of a London suburb—Lock's Fields (taken from an old novel—*Godfrey Malvern*) by an author now almost forgotten :—

"Here spreads out a huge morass of misery, a vast space of low, damp, land intersected with noisome ditches and unhealthy patches of garden ground, broadening over what is still called Walworth Common; and hemmed in on the one hand by the long line of Walworth Road beyond the turn-pike, and on the other, deep and far across, the Old Kent or Greenwich Road.

"Here stretch scores of streets, which at night are utterly dark, and in one of these dark streets the cabman halted; for not a lamp burns in this dismal district, although within it sleep nightly thousands of our fellow-creatures. Oh what a lesson would the true statistics of this almost unknown district furnish forth for our modern wiseacres! But there is now a police station, formed near the centre of this swamp—one step taken to produce either a brutal or a blessed improvement.

"In the windows of almost every other inhabited house you see a bill announcing 'Unfurnished Apartments to Let'; in almost every street numbers of houses shut up, and huge padlocks on the doors, which tell that the late wretched inhabitants had been rendered still more wretched, their few goods sold and themselves either driven to the parish, or, with their beds of straw, housed in some new and wretched habitation. Houses there are which have never had a coat of paint on them for years. But now the broken windows are repaired with paper, or, where the inhabitants are too indolent even to do this, huge, unsightly, and filthy garments are thrust into the broken panes and left there until summer comes, and the cool air is then welcome."

Charles Kingsley, in "*Alton Locke*," has also given us a description of a Bermondsey slum in the middle of the nineteenth century :—

"A miserable blind alley, where a dirty gas lamp just served to make darkness visible, and shew the patched windows and rickety stairways of the crazy houses, whose upper stories were lost in a brooding cloud of fog, and the pools of stagnant water at our feet, and the huge heap of cinders which formed the waste end of the alley—a dreary, black, formless mound on which two or three spectral dogs prowled up and down after the offal, appearing like dark imps in and out of the black, misty chaos beyond."

Unhappily the standards of comfort and cleanliness of the poorest people in our towns during the earlier part of the nineteenth century—and before the wave of sanitary reform swept over the country—were such as to render them largely indifferent to the evil character of the conditions under which they lived.

It is easy for half-wise people to say that the slums are made by those who dwell in them and that the "pig makes the pig-stye," and it is equally easy for people with unbalanced sympathies to lay the blame for the evil conditions on the



environment. It is however much more important to search out the real reason for the tacit acceptance of evil conditions of housing by grown-up men and women. There is indeed only one explanation, and it is that when children are born in slums and pass their years of childhood in these conditions, they accept the squalor and dirt as normal conditions of their life. To the housing reformer living in a clean home with abundant light and air and with every opportunity to cleanse his body whenever he wishes, the squalor of a mining village or town slum seems so fundamentally wrong that he feels that every grown up person living under these bad conditions should be "white hot" with anger against the inaction of the Local Authorities possessing powers to provide better accommodation.

To those actually living under these conditions they are, however, normal home conditions.

For the last half century the tradition that the home conditions of the poorer workman must necessarily be conditions of overcrowding, insanitation and dirt, has been made the direct subject of attack and there are signs that the insistence on cleanliness of body and clothing in elementary schools, the provision of baths and wash-houses, the abundant supply of water, and the growing recognition amongst the poorest that to be dirty is to commit a social offence, are all helping to disintegrate the conditions bred by slums.

But in the first half of the nineteenth century there was a general neglect both of personal hygiene and general sanitation.

#### THE LACK OF MUNICIPAL CONTROL.

The lack of municipal control during this period has been clearly described by Mr. F. Tillyard, in the *Economic Journal*, December, 1913, and with his permission extracts from his valuable article are here given:—

"In the first thirty years of the nineteenth century the town population had been growing rapidly. The whole population of the country had increased by 60 per cent., but there were not many large towns which had not increased by at least 100 per cent. This was certainly true of Liverpool, Manchester, Leeds, Sheffield, Birmingham and Leicester. In Bristol the increase was about 50 per cent., but in Clifton it was nearly 100 per cent. No English provincial town had reached the 200,000 line. The rich were still living in the centre of the towns and the poor in the suburbs. In Birmingham the proximity of the Edgbaston estate, and the decision of its owner to have it laid out solely as a residential estate, presented an unusual opportunity for the segregation of the middle classes. An inspection of several of the old estate maps shows that in 1809 the estate was wholly undeveloped, and that in 1825 development on the side nearest the town had just started. On the other hand, the main residential street in the centre of the city, whose buildings still remain, is named after the Battle of Waterloo, and was apparently built in the decade following that battle. Rich and poor alike suffered from the absence of sanitation, and it is doubtful if there were any glaring differences in death-rates. There was little or no sign of our modern town problems. Not much has come down to us from that period, for the buildings have mostly been pulled down to make way for the railway stations, municipal buildings, and wide thoroughfares of the modern central area.



"When we come to the next period of the nineteenth century, roughly from 1830 to 1870, there is a very different story to tell. Let us take housing; there are said to be from 40,000 to 50,000 back-to-back houses to-day in Birmingham, the homes of at least 200,000 people; these were practically all built in this period. Back-to-back houses are the despair of medical officers, and recent official figures for certain Yorkshire towns show a mortality greater by 15 per cent. to 20 per cent. in them than in through houses comparable with them in rent and character of occupants."

\* \* \* \* \*

"By 1851 the following municipalities had passed the 200,000 line, viz.: Liverpool with 376,000, Manchester 316,000, and Birmingham 233,000. With between 200,000 and 100,000 inhabitants came Leeds with 172,000 inhabitants, Bristol 137,000, Sheffield 135,000, and Bradford 104,000. The rate of growth of towns between 1851 and 1871 was not less rapid than in the preceding twenty years. How were these crowds housed? Everything was sacrificed to cheapness, and cheapness was attained not merely by excluding all conveniences as the laying on of water, but by restricting the ground space. The system of economising space by building cottages in courts must be an exceedingly old one, and an old city like Norwich is full of them. The new manufacturing districts seem to have the glory of inventing an added horror by building in these courts three-storied back-to-back houses. It is exceedingly difficult to get exact information as to when different types of houses were built, but judging from the geographical position of this type of house, both in Sheffield and Birmingham, its adoption may be put somewhere near 1830. In Birmingham the building of these houses seems to have stopped just before 1870, on the passing of a bye-law which enacted that there must be a space behind every new house. Their erection has recently been made illegal by statute.

"As far as water supply and drainage were concerned, these closely-built and stuffy houses were no better off than the houses in a small village. In 1848 an inspector visited Birmingham to make an official enquiry and noted the absence of a general system of sewerage, the imperfect condition of streets and roads, the confined courts, the open middens and cesspools, stagnant ditches, and insufficient water supply. It is interesting to note that at this date there were pig-styes in the neighbourhood of the Town Hall, and therefore presumably all over the town. The pig-styes and the back-to-back houses he seems to have taken for granted."

#### CHARLES DICKENS AND "COKETOWN."

The great master of Victorian fiction—Charles Dickens—has left us a picture of the product of this age—a picture which may serve for almost any town in any industrial area:—

"It was a town of red brick, or of brick that would have been red if the smoke and ashes had allowed it; but as matters stood it was a town of unnatural red and black like the painted face of a savage.

"It was a town of machinery and tall chimneys, out of which interminable serpents of smoke trailed themselves for ever and ever, and never got uncoiled. It had a black canal in it, and a river that ran purple with dye, and vast piles of buildings full of windows where there was a rattling and a trembling all day long, and where the piston of a steam engine worked monotonously up and down like the head of an elephant in a state of melancholy madness.

"It contained several large streets all like one another, and many small streets still more like one another, inhabited by people equally like one another, who all went in and out at the same hours, with the same sound on the same pavements, to do the same work, and to whom every day was the same as yesterday and to-morrow, and every year the counterpart of the last and the next." ("Hard Times.")

It will cost the nation a great deal to get rid of its "Coketowns," and it is probable that another half a century will elapse before they disappear. We shall possibly have to be content with the exercise of town planning care in all new developments of towns as the field of town planning activity in the first half of the twentieth century.

It may at least be hoped that those municipal councillors and officers who strive to carry out this limited programme of town planning activity will be spared the opposition of the "hard-headed men" of the "Gradgrind" type. We owe a debt not of gratitude, but of anger to their forefathers. They found a Britain of peaceful fields and smiling valleys, and they covered it with industrial "Coketowns." It cannot even be said that they made the nation rich. No greater blunder can be made than that of imagining that the "Gradgrind" type of man is of any real service to the community. He mars and does not make. The mischief was that the great captains of industry were too busy with their own business to exercise control and give expression to their creative power in the wise development of the towns in which they lived.

What the captain of industry can do when he turns his attention to questions of town development can be seen in the Midland City of which Mr. Tillyard writes.

At opposite poles in politics, the late Mr. Joseph Chamberlain and Mr. George Cadbury—the second still happily living and working for his fellows—both deserve the name of captains of industry. Both have left their mark on city planning. Mr. Joseph Chamberlain gave to his city a slum clearance scheme which transformed Birmingham. Mr. George Cadbury has created at Bournville a village which has been of the greatest possible service in guiding later housing effort.

These citizens of Birmingham felt the call of public service, and both of them brought to bear the solid ability of the captain of industry, and the results have been wholly admirable.

If the same spirit of public service which inspired these men had also inspired the great captains of industry in the early part of the nineteenth century we should most assuredly have been spared the heritage of bad conditions described in this chapter.

## CHAPTER VI.

## THE CASE FOR TOWN PLANNING ACTION.

**B**EFORE proceeding to describe in detail the two steps taken by Parliament—in 1875 by the passing of the Public Health Act, and in 1909 by the passing of the Housing and Town Planning Act—to give Local Authorities power to control and guide the development of the cities, towns and villages entrusted to their care it will be of service to state clearly the reasons why these new powers of control and guidance have been granted, and thus convince those responsible for municipal administration that it is their duty as good administrators to place in hand the preparation of town planning schemes in the interest of the areas governed by them.

Amongst the most important Committees of a great municipality to-day are the Committees watching over (*a*) Health, (*b*) Finance and (*c*) Parks and Playgrounds, and it will be well to deal with the case for Town Planning from the point of view of each of the objects which these Committees try to attain, viz. : an improvement in public health, the exercise of wise economy in the expenditure of money provided by the ratepayers, and the provision of amenities to brighten the lives of the people.

## TOWN PLANNING AND PUBLIC HEALTH.

What then is the case for town planning from the public health point of view ?

It is in effect that the failure to exercise care in the planning of our cities has resulted in a direct loss of life, and in the placing of a great burden of unnecessary suffering on the poorest members of the community.

It is difficult in dealing with the complex web of bad social conditions to disentangle the exact relations of cause and effect. "Beware of finding what you look for" is excellent advice to those who wish to accomplish any work of social



investigation possessing permanent value. But when all other causes of loss of life in slum areas—poverty, drink, unhealthy conditions of employment, &c.—are taken into account there can be no doubt that the overcrowding of great masses of population in badly designed houses packed in ill-planned courts and squalid streets has been, and is, a fruitful cause of death and illness amongst our working class population.

As an example of the price in death and disease rates which has to be paid as a result of the existence of badly planned areas, the following figures taken from the Report of the Medical Officer of Health of an industrial town a few years ago deserve careful consideration.

In studying these figures it will be observed (*a*) that the general death rate was not abnormally high for an industrial town (15.7 per 1,000), but that for the dwellings which were made the subject of special enquiry the death rate was 53.1 per 1,000. For the whole town the Infantile Death Rate was 122 per 1,000, but for the dwellings in question it was 263 per 1,000, and that more than one in four of the children born failed to survive the first year. It will be noted also that the dwellings are “in courts which are so situated in back and badly ventilated streets as to be under similar insanitary conditions.”

The Report states that :—

During the month of October the Inspectors took a census of the population living in what may be called slum dwellings; *i.e.*, dwellings which open into courts or which are so situated in back and badly ventilated streets as to be under similar insanitary conditions. The vital statistics for the twelve months, November, 1906, to October, 1907, were then calculated for this population and are given below. The Mortality rates are seen to be very high, but it must be remembered that these dwellings are occupied by the poorest and often the most intemperate part of the population of the Borough. These dwellings are the remains of a much larger area, which is the usual heritage of an old town, and are being gradually dealt with under the Housing of the Working Classes Acts :—

	Whole Borough.	Slums.
Number of Houses (total) .. .. .	14,049	425
Number of Houses without through ventilation	—	235
Number of Houses with only one entrance but through ventilation .. .. .	—	56
Population .. .. .	71,849	1,316
		(64 under one year.)
Birth Rate per 1,000 population .. ..	32.7	54.7
Death Rate per 1,000 population .. ..	15.7	53.1
Zymotic Death Rate per 1,000 population ..	2.1	7.6
Infantile Death Rate per 1,000 Births ..	122	263
Diarrhoea Death Rate—Children under one year per 1,000 Births .. .. .	16.9	27.7

■ In 1908 and 1909 the National Housing and Town Planning Council conducted, by means of a special Enquiry Officer (Mr. J. E. Brearley) a series of enquiries in several towns in Lancashire and Cheshire, and the following descriptions taken from his reports will show how close is the relation between bad planning and insanitary conditions :—

CASE No. 1.

"Yard approached by narrow passage from main thoroughfare. Four-roomed house—no door behind but a small window can be opened—faces south, but directly opposite and only three yards away is a high wood hoarding 3 yards 6 inches high. The house is in a bad condition, the plaster and paper rotting from the walls. Size of living room and front bedroom, height, 6 feet 8 inches; length, 12 feet; depth 11 feet 6 inches; the scullery and back bedroom are small—height, 6 feet 8 inches; length, 11 feet 6 inches; depth, 3 feet 11 inches.

"The scullery is an awful place, damp, the brick floor broken and the damp soil giving out bad stench, dirty and dark. The small scullery window opens out into another yard and is about two yards away from five pail closets. The passage between window and closets is covered with refuse and filth."

CASE No. 2.

"Four-roomed house in enclosed court. House has no back door but has a small window at the back. It is in bad repair and damp, plaster and paper rotting from the walls. Size of rooms: living room and front bedroom, height, 7 feet 2 inches; length, 10 feet 9 inches; depth, 11 feet 8 inches. Small back room and back bedroom, height, 7 feet 2 inches; length, 8 feet 7 inches; depth, 7 feet 4 inches.

"In this court there are eight houses similar to the house described. The width of the court is about 15 feet. All are damp and in bad repair. The outside of the houses is in as bad a condition as the inside. The court is paved with round cobble stones, and is covered with refuse, &c."

CASE No. 3.

"Four-roomed house having no back door but with a window behind. The house is in bad repair and damp. Paper and plaster rotting from the walls in every room. Needs repointing outside. Small scullery faces north and is very dark. Cupboard in living room near fireplace is in a bad condition. Bad smell in house and scullery. Yard paved with cobble stones. At the north side of yard the drains are made up and stagnant slop water is standing in pools."

But these conditions of bad planning are not confined to great cities, and by the irony of fate it is often found that those workmen whose hours of labour are passed under the worst conditions as to light and air, live in industrial villages, the planning of which constitutes a standing disgrace.

What could be worse, for example, than the planning of a typical village in Durham or Northumberland? Indeed, all that can be said in palliation of the offence against humanity committed by the men who built these villages is that when they built them their ideas of health and amenity were of a primitive character. The houses were built in long rows, and only too often back-to-back. When separate sanitary conveniences were provided these were often set opposite the doors of the



houses. After a few years some of these pit villages became village slums, and in them pitmen, earning good wages, live to-day and will continue to live until drastic steps are taken by the community as a whole to insist on new conditions being provided for a class of workmen who possess in a unique degree courage and ability, and on whose shoulders much of the hardest and most disagreeable work of the nation is placed.

The following is a description of a street of houses in a Durham mining village, taken from the Annual Report for 1912 of Dr. Eustace Hill, the Medical Officer of Health for the County of Durham :—

"The houses surmount a bank which rises abruptly from the footpath skirting the houses, to a height of from 8 feet to 10 feet, obstructing the light and the circulation of air, making hideous the surroundings, as well as vitiating the atmosphere for some considerable distance. Each midden privy, which is approached by a flight of steps, is used by several families, and, besides being devoid of all privacy, is placed at an inconvenient distance from some houses and dangerously near to others.

"With respect to the drainage, this is of a most primitive type. Immediately in front of the entrance to the dwellings is an open channel, running the whole length of the rows, which is often used for the conveyance of slop and waste water. To add to the squalor the back street, which in most of the colliery rows is the principal means of access to the houses, is unpaved, the surface of the roadway irregular, and at intervals there are large open gullies intended to carry off surface water and slops and containing, except perhaps after heavy storm, black putrescent material."

Can it be wondered that in a County which has areas as badly planned as this and despite the relatively good wages paid to the workmen employed in the great industries of coal mining and steel making, the death rates are higher than in other rural counties in which the wage standards are much lower?

How bad the conditions in regard to disease and death are in many counties can be seen from some striking figures compiled by Alderman W. Thompson in 1906 in regard to bad housing and planning conditions.

\*COMPARISON OF DEATH RATES OF VARIOUS DISTRICTS WITH ABOUT THE SAME POPULATION.

COUNTY.			Percentage of over-			Infant mortality per 1,000		
CASE 1—			Population. crowding.			Deaths. births.		
Durham	..	..	..	1,194,442	.. 28.4 ..	21,962	.. 156	Durham 3 deaths to
Essex	..	..	..	1,062,452	.. 2.7 ..	14,913	.. 115	every 2 in Essex
Excessive deaths in Durham						7,049	.. 41	per 1,000 births.
CASE 2—								
Northumberland	..	..	..	602,859	.. 32.0 ..	10,997	.. 152	Northumberland 8
Sussex	..	..	..	605,763	.. 1.5 ..	7,925	.. 95	deaths to 5 in Sussex.
Excessive deaths in Northumberland						3,072	.. 57	per 1,000 births.

\* This table was compiled in 1906.



CASE 3—	COUNTY.	Population.	Percentage of over- crowding.	Deaths.	Infant Mortality per 1,000 births.	
	Lancashire & Yorkshire ..	7,203,613 ..	—	128,212 ..	152	Lancashire & Yorkshire
	London, Middlesex, Berks,					5 deaths to 4 in London
	Hants, Surrey ..	7,183,318 ..	—	104,944 ..	118	and district.
				23,268 ..	34	per 1,000 births.

CASE 4— Death rate (1904) in Birmingham was 19.3 per 1,000.  
 „ „ Bournville 6.9 „

Alderman Thompson then proceeded to set forth several striking facts in regard to the relation between bad housing and death and disease rates.

Infant mortality varies almost arithmetically with housing conditions, and although children under five are only one-ninth of the population, they furnish one-third of the deaths.

Of 944,703 children born in 1904 no less than 137,490 died within 12 months, that is 40,000 infants unnecessarily sacrificed.

Infant mortality in (1904) St. Mary's, Birmingham, 331 per 1,000 births.

Infant mortality in (1904) Bournville, 65 per 1,000 births.

DISEASE AND SICKNESS.—139,447 cases of infectious disease were notified last year (1905) in *half* the country. These cases are four times more numerous in overcrowded districts than elsewhere; 16,981 persons became paupers by having medical relief in public infirmaries.

INTEMPERANCE AND LUNACY.—Where the light of day is shut out it is hard for the light of reason to remain strong and bright. Drunkenness and pauper lunatics are found most in the overcrowded districts.

A London County Council return five years ago gave the following figures :—

	Persons per acre.		Lunacy rate.	
All London .. .. .	58	1.9		
Bethnal Green .. .. .	171	6.7		
Holborn .. .. .	186	8.2		
Strand .. .. .	143	11.0		

In 1903 there were not less than 100,000 preventable deaths in England and Wales.

It may be urged that it is the poverty of the people and not the bad conditions of housing and planning which is responsible for the condition of such areas, but the experience of the Liverpool Corporation in their admirable housing work shews that the same people living under better conditions of housing—although their wage conditions have not been improved—have a far higher standard of health.

Dealing with this point Colonel G. Kyffin-Taylor, M.P., the Chairman of the Liverpool Corporation Housing Committee, says :—

“ So far as sickness is concerned the results are extraordinary. The mortality rate has fallen from 50 per thousand to 27 per thousand, a saving of life of 50 per cent.

“ The case of typhus fever is very interesting. This disease at one time was never absent from the slums, and in epidemic years claimed its victims by thousands. In 1910, for the first time in the sanitary history of Liverpool not one single case of typhus was recorded during the entire year.

“ The case of typhoid is just as instructive. During the sixteen years from the year 1895, when the number of cases was 1,300, there has been a remarkable falling off until the year 1911 when the number of cases fell to 200. To put it in another way. In 1901, 154 people died from typhoid, and this number fell to 42 in 1910. The diminution in this disease runs step by step with the diminution in insanitary property.

“ So extraordinary is the transformation that some few persons are inclined to disbelieve that the tenants of the dwellings are the persons actually displaced. On this point I have been able to obtain statistics concerning six schemes which displaced 5,866 people. I have not yet been able to get statistics with regard to the older property, but I have no doubt they would show the same results. Of the 5,866 people turned out by these six schemes we rehoused 4,597 or 77 per cent. Nearly the best scheme from this point of view was the Bevington Street scheme, opened in 1912. In that scheme we rehoused of the same people 94 per cent., but the best scheme of all was Burlington Street in which we rehoused 99½ per cent.—practically the whole lot.”

The kind of planning, or rather lack of it, with which the Liverpool Corporation have had to deal can be seen from the accompanying illustration :

It may, however, be urged that these figures have to do with bad housing conditions rather than with bad planning. But bad housing and bad planning are the two sides of the one shield. The two problems are so interwoven that they cannot be separated. If the wretched little back-to-back house stood in a main street in which the passer-by could see it, then it would disappear before long, but as a result of bad planning it is placed in a small squalid street or in a closely packed court, and the great mass of citizens are not aware that it exists.

But the evidence of the close relation between bad planning and great waste of life is not confined to Great Britain. For nearly 20 years the Paris Municipality has maintained a “ *Casier Sanitaire* ” or Record of Sanitary Conditions :—

Since 1905 this Department—under the guidance of Dr. Paul Juillerat—has given special attention to the ravages of tuberculosis in six groups of insanitary houses, comprising in all a population of about 60,000 people—the population of



A Tunnel-Entrance Type of Court in Liverpool.





an English County Borough—and the following figures shew that the death rate from this disease alone between 1905 and 1912, was in one group nearly equal to the death rate of London from all causes :—

	Number of deaths from 1905 to 1911.	Proportion per 1,000 population.	Number of deaths in 1912.	Proportion per 1,000 population.	Proportion per 1,000 population from 1894 to 1904
<i>First Group :</i>					
12 streets, 278 houses, 9,605 inhabitants ..	897	13·34	113	11·76	12·47
<i>Second Group :</i>					
6 streets, 88 houses, 4,015 inhabitants ..	179	6·37	25	6·22	6·53
<i>Third Group :</i>					
9 streets, 100 houses, 3,829 inhabitants ..	317	11·82	48	12·53	10·40
<i>Fourth Group :</i>					
23 streets, 597 houses, 16,982 inhabitants..	860	7·23	107	6·30	6·45
<i>Fifth Group :</i>					
12 streets, 172 houses, 11,760 inhabitants..	484	5·88	72	6·12	7·16
<i>Sixth Group :</i>					
19 streets, 318 houses, 13,140 inhabitants..	695	7·55	82	6·24	8·28
<hr/>					
Total of Deaths from Tuberculosis ..	3,432	8·26	447	7·53	8·26

In a report accompanying these figures it is stated that the six groups of insanitary houses continue to shew the same conditions of disease despite all the efforts made by various philanthropic societies to ameliorate the conditions in individual houses. They are affected by an inevitable defect—a defect which is quite apart from the faults of the individual houses. This defect is the narrowness of the streets and the insufficiency or absence of open spaces at the rear of the houses. As a result of this defect the rooms are irremediably bad, and nothing short of the complete clearance of the areas will provide a remedy.

In one of his reports Dr. Juillerat has summarised the evil in a striking phrase—which deserves to be written in the Council Room of every Insurance Committee—“Tuberculosis is the disease of darkness.”

Money as well as life is wasted as a result of this disease, and although the waste of life is of infinitely graver importance, yet it will be of service to consider the extent to which we have to expend public money in our fight against this disease.

It is estimated that every British workman suffering from tuberculosis and occupying a place in an institution provided under the Insurance Act, costs from 25s. to 30s. a week to the Insurance Committee concerned.

Colonel Kyffin-Taylor, M.P., points out that the Liverpool Insurance Committee pay 27s. 6d. per week to the Liverpool Corporation for every person suffering from tuberculosis occupying a bed in one of the institutions of the Council. This means an expenditure of £71 10s. 0d. per year per bed. In regard to this the Medical Officer to the Liverpool Corporation—Dr. Hope—states that the mortality rate for tuberculosis alone in the areas of courts and narrow streets of Liverpool was, before the clearance, 4 per 1,000. It has now—for the same people rehoused in wider streets and better dwellings with light and air—fallen to 1.9 per 1,000—a saving of life of over 50 per cent., and a saving in expenditure for each serious case of tuberculosis prevented.

#### THE POSSIBILITY OF REDUCING THE GENERAL DEATH RATE TO TEN PER THOUSAND.

Is it possible to reduce the general death rate in our industrial towns and villages to ten per 1,000?

The best answer to this question can be given by the reproduction of the following Table prepared by the Garden Cities and Town Planning Association and reproduced by kind permission.



LIFE AND DEATH—THE TRIUMPH OF THE GARDEN CITY AND SUBURBS

It will be seen from this table that in all garden suburb developments the same valuable feature of greatly reduced death rates recurs.



Similar figures in regard to the physical condition of the children in Bournville and Port Sunlight shew that the gain in the health of the younger generation is most marked. It is only necessary to study the vital statistics of the slums of a great town and it will be found that the infant death rate is twice as great as it is in the other parts of the town. How indeed can it be otherwise? In the closely packed courts and streets nature never has a chance to purify the atmosphere. Much of the soil is sewage soaked and clogged, and a hot July and August brings a visitation of infantile diarrhoea to raise the death rate of infant children.

It is true that some mothers are ignorant and careless in the extreme in regard to questions of food for their children, but this is not all the truth. Human beings need "room to live," just as much as plants and flowers in a garden need room to grow, and when these are denied nature exacts the penalty of death.

The effect of the better conditions produced by Town Planning care on growing children is strikingly shewn in the following figures (*a*) comparing Bournville with a crowded ward in Birmingham (St. Bartholomew's Ward), and (*b*) comparing Port Sunlight children of 14 years of age with children of similar age in the various types of schools in Liverpool:—

## BIRMINGHAM AND BOURNVILLE.

	Weight.	Age			
		6 yrs. lbs.	8 yrs. lbs.	10 yrs. lbs.	12 yrs. lbs.
Boys, Bournville .. ..	..	45.0	52.9	61.6	71.8
„ St. Bartholomew's Ward ..	..	39.0	47.8	56.1	63.2
Girls, Bournville .. ..	..	43.5	50.3	62.1	74.7
„ St. Bartholomew's Ward ..	..	39.4	45.6	53.9	65.7
Height.		ins.			
Boys, Bournville .. ..	..	44.1	48.3	51.9	54.8
„ St. Bartholomew's Ward ..	..	41.9	46.2	49.6	52.3
Girls, Bournville .. ..	..	44.1	48.6	52.1	56.0
„ St. Bartholomew's Ward ..	..	41.7	44.8	48.1	53.1

## LIVERPOOL AND PORT SUNLIGHT.

Height and Weight at 14 years of age:—

				Height inches.	Weight lbs.
Liverpool (Higher Grade Schools) ..	..	..	..	61.7	94.5
„ Council Schools ( <i>a</i> ) ..	..	..	..	58.2	75.8
„ „ ( <i>b</i> ) ..	..	..	..	56.2	75.9
„ „ ( <i>c</i> ) ..	..	..	..	55.2	71.1
Port Sunlight Schools ..	..	..	..	60.7	105

In regard to the Liverpool schools it may be pointed out that in the Higher Grade Schools the children of the middle classes are educated. Of the Council Schools (a) is a type of the best Council School where the parents of the children are well-to-do, and the children have mostly comfortable homes ; (b) is a type of Council School where the children are mostly of the labouring classes. It was selected as a type for the children of the labouring classes, whose parents have constant employment ; (c) is a type of the poorest class where the parents of the children who attend belong almost entirely to the unemployed or casual labour sections. Port Sunlight Schools are composed of the children of parents mostly of the labouring classes, in constant employment, but with the difference that the houses in which the children mostly live are built with ample air space, not more than seven houses to the acre.

It may be urged that the populations of the well-planned areas of Bournville and Port Sunlight are not of the poorest type of the working classes, but they are working class populations and at the most only differentiated as wage earners by a few shillings per week from the labouring class. The next twenty years will almost certainly witness an increase in the wages of the poorest to such an extent as will place them on a level with the residents in Bournville, and Port Sunlight, but if they continue to live in mean streets under the same bad conditions as at present, the value of the rise in wages will be almost entirely lost as far as the increase of general health is concerned.

It may be objected that whilst the figures given above hold good in regard to the garden suburbs recently established, yet all these are new experiments which are attracting the younger and more enterprising members of the community, and that therefore these figures cannot be taken as index figures.

But allowing for this it will still be just to say that given the establishment of this type of development as the normal type of development, and given a wise municipal activity in destroying the older parts of our towns, we should be able to secure that the general death rate shall not exceed ten per 1,000.

But this would not be all. For every soldier killed in the field of battle there are several wounded, and for every infant child and adult whose life is wasted in a slum area, there are many others whose health suffers greatly.

To sum up there is no escape from the conclusion that in the interest of public health every Local Authority should without delay secure that at least all new areas should as they develop come under proper town planning control. The clearance of old areas as part of the work of rehousing the people does not come within the scope of this book, but at least the new areas should escape from the fate of the old and be developed on right lines from the beginning.

## TOWN PLANNING AND MUNICIPAL ECONOMY.

That town planning neglect in the past has produced a colossal waste of public money is beyond question. It is, for example, estimated that in the course of fifty years no less than £25,000,000 has been expended by British Local Authorities in the work of street widening.

The general cost of this neglect has been summarised by Sir W. H. Lever, as follows :—

"One almost invariably finds that any proposal connected with Town Planning is immediately viewed with alarm as a policy that will inevitably increase the rates without any corresponding and practical utility. This false impression has been caused, I am certain, by confusion in ideas between plans for street widening and the cutting of new streets through existing property which has been caused by neglect of proper Town Planning Schemes in the past, throwing upon the present generation of ratepayers a very heavy burden. The ratepayers know, by dearly bought experience, that such Town Planning Schemes as street widening, demolition of insanitary property, &c., &c., are costly and extravagant, although imperative and essential to the continued existence and conduct of business in our towns. It is not recognised that if a proper Town Planning Scheme had been prepared well in advance that all requirements including facilities for traffic and transport to and from centres of resort and attraction, such as railway stations, the shipping and manufacturing quarters of the town and the residential suburbs, could have been obtained at practically no expense under a carefully prepared Town Planning Scheme.

"I know of cases in towns where street widening, owing to neglect of the preparation of a proper Town Planning Scheme, has been carried through at very great expense twice in the same street within twenty years, enormously adding to the burden of the rates. This waste of public money is likely to be still greater in the future unless the matter is promptly taken in hand."

"The cruel part of these costly street widening schemes is that they are so ineffective, whereas a proper Town Planning Scheme, prepared under proper supervision by those authorities in each town best conversant with its wants and requirements, would not only be infinitely less costly, but would be infinitely more effective and convenient. I am confident we none of us realise the amount of money that is wasted on the two subjects of Locomotion and Health by the haphazard way our cities and towns have been allowed to grow up. I am convinced, for instance, that if a comparison were made between the cartage rates of, say, London and any of our provincial towns such as, say, Liverpool, it would be found that owing to London being merely an immense overgrown group of towns grown together without any properly prepared Town Planning Scheme, that the cost of cartage in London is at least double what it costs in most towns of the United Kingdom, whilst in addition the loss from sickness, ill health and premature death reaches such an appalling total as to merit the historic phrase 'to stagger humanity.'

"There is also the loss, not so readily ascertainable but none the less a fact, of time, to merchants, manufacturers and others whose business takes them about the cities following their daily avocation. What this really amounts to is not easy to ascertain, but to those whose business causes them to have to move about London, say, their efficiency must be reduced by at least one-third caused by needless loss of time arising from congested ill-planned streets."



What the lack of town planning care means in a particular instance can be seen from the figures relative to the clearance scheme approved by the London County Council in 1912 for dealing with a slum area bordering on Tabard Street, Southwark. These figures may thus be summarised :—

This is a slum area of  $16\frac{1}{2}$  acres, containing 649 houses, with a population of 3,552 persons. The death rate for a period of four years was 36.8 per 1,000. The character of the houses may be gathered from the fact that of 32 streets no fewer than 13 are culs de sac. The houses are completely worn out ; the walls of many of the ground floor rooms are damp ; the height of some rooms varies from six and a half to seven feet, and the ground floor is frequently below the street level. The epidemic disease rate was 6.07 per 1,000 over a period of four years, as compared with 1.71 for all London. The estimated gross cost of acquisition is £366,000. As there are 649 houses the average cost for house and land is more than £563, and the price to be paid by the community for the privilege of destroying houses which, apart from the land they stand on, are worthless if any real standard of hygiene be applied, works out at more than £100 per head for each man, woman, and child throughout the area.

How completely the problem here is one of bad planning can be seen from the fact that in reply to the criticism that many of these houses should have been condemned and closed under the Housing powers conferred on the Southwark Borough Council by the passing of the Act of 1909, the official reply of the leading members of the Housing Committee of the London County Council was that any such action would be ineffective and that the only practical line of action was to make a clearance of the whole area. In other words the lack of planning care less than a century ago has cost the ratepayers of London nearly £400,000, or enough to build 1,500 new houses and equip each of these with a large garden.

The expenditure on the clearance of this South London area is only a small item compared to the total sum expended by Local Authorities in slum clearance throughout Great Britain.

The Metropolitan Board of Works—which preceded the London County Council as the authority controlling London outside the boundaries of the City Corporation—expended £1,323,415 of public money on slum clearance schemes and left to the London County Council for completion six other schemes involving an expenditure of £281,693—in all £1,606,688. This was however the net cost—for the gross cost of the land and property was £1,983,892. There was a recoupment by sale or lease of the land equal to £377,114, making the net cost £1,606,688 as stated above. As these schemes only involved 51 acres of land in all the cost to the community of bad planning may be regarded as upwards of £30,000 an acre. It is true that the primary reason for the clearance was the need for sweeping away rookeries and worn out shells of houses of the vilest description, and it is also true that owing

to ineffective housing legislation great sums were paid for worthless property. But the fact remains that the areas dealt with by Local Authorities under clearance schemes are almost without exception such badly planned areas that only action of the "root and branch" kind is found to be effective.

The case of Birmingham is equally interesting. At the centre of the city is an area bounded on the north side by Aston Road, and on the south side by New Street. The death rate in the area was in the seventies double that of the healthiest part of the borough. At the suggestion of Mr. Joseph Chamberlain this area of 93 acres was bought at a cost of £1,310,000; 1,200 houses were taken down, the area was remodelled, surplus lands were sold for £794,000, £34,000 was expended on street making, and a fine new street—Corporation Street—was formed, 22 yards in width. The net cost was upwards of half a million, and no citizen of Birmingham to-day regrets the expenditure. The need for it, however, arose out of the bad planning of the central areas of Birmingham, and the blunder had to be repaired at the cost of half a million sterling.

Glasgow has had a similar experience. Under an Act passed in 1866, an important Trust was formed, and administered by the City Council.

Alderman Thompson thus described the Scheme :—

"The Glasgow Improvements Act, 1866, created an Improvement Trust, which has been administered by the City Council. The scheme comprised the acquisition of 88 acres in the centre of the City, including Salt Market, High Street, Trongate, Bridge Gate, &c. The houses were old, dilapidated, and unsanitary, and the wynds and closes were narrow and irregular. The population of the area was about 51,000, densely crowded, and living in an insanitary condition. Thirty new streets have been formed, and 26 streets have been widened, occupying about 23 acres formerly covered with houses. Two filthy streams which ran through the district have been covered in; the Alexandra Park has been acquired and laid out, and since 1889 the Trust have retained and built upon the various sites themselves. Nearly £2,000,000 has been spent in the improvement of land and buildings, and in the 30 years up to 1896 no less than £600,000 was drawn from the rates, but the Trust is now self-supporting."

It will be observed that to remedy the faults of earlier planning—or the lack of it—thirty new streets had to be formed and 26 streets widened.

The experience of Liverpool is similar to that of Glasgow, Birmingham and London.

Writing in 1903, Alderman Thompson thus summarised the work of the Liverpool Corporation prior to that year :—

"Under the Liverpool Sanitary Amendment Act, 1864, the Medical Officer of Health has reported certain districts to the Town Council as being unfit for human habitation. These presentments have been forwarded to the Grand Jury of Quarter Sessions, who after hearing evidence, have almost invariably acceded to the Medical Officer's request for demolition, whereupon the Council has proceeded in each case to purchase and demolish, without needing a provisional order. The owners were allowed the option either to sell or retain the sites, and in most cases the cost of acquiring each house without the land has been from £25 to £50. The Council has spent close upon £500,000 in demolishing these unsanitary



areas. This work is being continued, and a recent estimate shewed that it was necessary to deal with 1,071 courts less than 15 feet wide, and containing 5,765 court houses and 1,669 front houses, also 83 courts over 15 feet wide (except where narrowed by privies and ashpits) containing 606 court houses and 144 front houses, the total cost being about £280,000, allowing for a proportion to be demolished by the owners. During the year 1900-1901, no less than 237 courts were swept away, as against 970 in the previous ten years."

Since 1903 the work has been carried on with even greater vigour, and quite 500 houses are destroyed each year.

To a great extent the property purchased has been of the court type, and, as stated above, no less than 1,071 of these courts dealt with before 1903 were less than 15 feet wide and contained 5,675 court houses and 1,699 front houses. The illustration on page 127 will shew how impossible it is to deal with such areas except by clearance, and how directly the need for clearance arises from the lack of care in the lay-out of these areas in the past.

It must be borne in mind, moreover, that the records given above are records of action taken by Local Authorities who, with a fine spirit of desire to improve their towns, have expended great sums of public money. But for every case in which such action has been taken there are at least ten cases in which Local Authorities have for various reasons left aside the clearance of such areas to be dealt with in the future—in some cases in the hope that it may be possible to devise legislation which shall enable them to clear these areas without expending great sums of public money, and in other cases because they have not yet realised that great as the cost of clearance of these areas will be, the cost of permitting them to persist is even greater.

How much a slum area costs a community it is difficult to determine, but an interesting record was made by the Doctor in charge of a medical mission in a great English city some years ago, and he found that in an area of 76 acres with a population of 6,943 persons, of the cases of demand either on public relief or private charity, there were :—

General Hospital .. .. .	625	cases (61 being in-patients)
Children's Hospital .. .. .	150	"
Workhouse Infirmary .. .. .	312	"
Orders for workhouse (half-year) .. .. .	227	"
Orders for medical relief (half-year) .. .. .	37	"
Orders for poor relief (half-year) .. .. .	48	"
Cases treated by Medical Mission .. .. .	280	"
Cases treated at City Asylum .. .. .	9	"
Children clothed by P.A. Association .. .. .	162	"
Children fed at School .. .. .	230	per day (winter)
Convictions of all kinds .. .. .	388	cases
Complaints investigated by Society for Prevention of Cruelty to Children .. .. .	21	"

Charity in money or goods, at least £500 a year.

Thus out of a population of less than 7,000, more than 2,500 were the recipients of public or private charity.



The cost of this district to the public was quite £10,000 a year, but despite all this expenditure the death rate was 32 per 1,000 as against 18 per 1,000 for the whole of the city, of which it was a part, and the infant death rate was 252 per 1,000 births as against 157 per 1,000 for the whole of the city.

Bearing yet again in mind the danger of "finding what one looks for," it is necessary to point out that a large part of the demoralisation and loss of life in such areas as these is due to poverty and to the individual faults and carelessness as well as to the wretchedness of the conditions of the home and the surroundings of the home. The full extent of the bad influence of the slum in a great city will not however be realised until municipal administrators recognise that the dirt and squalor of the dingy court are themselves causes of demoralisation. "Let there be light," was the first command of the Creator, and many of the worst housing evils would disappear if this command were obeyed in the great city.

And this leads directly to the consideration of the financial relation of the slum to the most terrible scourge of modern times, tuberculosis—or, as it is generally called, consumption.

With the passing of the Insurance Act we are as a nation committed to the expenditure of great sums of public money in the effort to check the ravages of this disease, and the equipment and maintenance of Sanatoria for consumptives will cost in the next ten years many millions of pounds sterling. Yet the treatment in these sanatoria is quite simple. The giving of medicine plays only a small part in the treatment of a patient stricken with tuberculosis. What he needs is ample sunshine, pure air, and good food. Valuable as these are as healing agents they are of even greater service as preventative agents, and whilst it is a wise sympathy which impels us to expend great sums of public money to cure those who are stricken with this disease, we shall shew far greater wisdom in the expenditure of municipal energy and care in planning to prevent the recurrence of the conditions which have produced, and continue to produce, tuberculosis.

If the dictum of Dr. Juillerat, "Tuberculosis is the disease of darkness" is to be taken as final, then the duty of all municipal authorities is quite clear as far as the development of new housing areas is concerned. It is that as each area is developed, the conditions—as to provision of gardens, set-back of houses, provision of open spaces, proper designing of the houses, &c.—shall be such as to provide "in little," those conditions as to sunlight and fresh air which are provided at such great public expense in sanatoria.

It must, moreover, be realised that great as is the expenditure by Local Authorities on matters of public health, this expenditure is after all only a fraction of the total expenditure. The burden falling on the community is small compared with the burden inflicted upon the individual workman. Ill health to the workman means not only expenditure on medicine and nursing, but loss in wages. With

the coming of ill-health his expenditure is increased and his wages cease. It is true that under the Insurance Act the employer and the State share in the burden, but it is a burden nevertheless. Rightly understood, the health of the workman is the wealth of the workman, and it is as a result of a lack of care that conditions have been allowed to grow up of a kind which present a standing menace to the preservation of the wealth of the workman. It will be true of the workman to say that (in the words of Mr. Horsfall) "however much good health may cost, it is after all the cheapest thing he can buy."

The way in which the workman personally suffers as a result of the lack of town planning care has thus been described by Sir W. H. Lever :—

"In crowded areas, as has been shown by statistics, on an average no less than five to six weeks per worker per year are lost from ill-health and inability to follow the daily routine of work. This is a cruel burden upon our workers and their families. It is reflected on the children who, from insufficient food at periods of their parents' unemployment, get their power of resistance and vitality lowered, with the result that they never reach to full vigorous, adult maturity, but are puny specimens of humanity unfit for either our Army or our Navy, or their round of duties in the workshop or in the factory. In the past we have met this loss of vital force by recruiting fresh life into our towns from country areas. The result of this is, even if the supply could be maintained, that the second or third generation of descendants from these country bred men and women, who migrated to our towns, become the usual weedy type of city bred children."

#### TOWN PLANNING AND THE PROVISION OF AMENITIES.

How complete has been the lack of municipal care in the provision of amenities in the past is shewn by the fact that almost the only Committee of a Local Authority concerned with the brightening of the life of the community is that controlling parks and playgrounds. It is true that in most cities public libraries and swimming baths are provided, but the facilities provided in this way belong more to the category of educational than health facilities.

To visitors coming from such cities as Frankfort, Cologne, or Munich, in Germany ; Stockholm or Copenhagen, in Scandinavia ; Zurich, in Switzerland ; or Lyons, in France ; the lack of amenity in such great industrial cities as Leeds, Bradford, Manchester, Oldham, or Blackburn, in the shape of boulevards or central gardens is a most striking feature, and the implied criticism is indeed well deserved.

But there is no need to labour the point as to the lack of amenity in our cities to-day. We are aware of it and are striving in a hundred and one ways to reduce the ugliness which has been imposed on our cities by the lack of town planning care on the part of our forefathers.

Some of these efforts are profoundly inadequate. For example, the planting of "shrubs in tubs" outside Town Halls, is a poor substitute for the trimly kept and well-gardened open space of a continental city.

It is not that a desire for amenities is lacking in our people—as a people we have a greater love for sport than many of our neighbours.



The criticism of Mr. Rudyard Kipling in regard to "muddled oafs and flannelled fools" is curiously wide of the mark. The love of sport is good, and not bad, and it is only in a time of national stress and strain like that in which this book is written that we realise the debt which we owe to those who have provided playing fields and encouraged young men and lads to take part in healthy sports. What is bad is that the love of sport in modern times means only too often a desire to watch others play and to assemble in thousands at contests which are in effect the "twentieth century" equivalent of gladiatorial combats. It is not uncommon for an attendance of 40,000 to be recorded for a First League football match at Manchester. A great part of the audience is made up of men and lads who are thin-chested and lacking in good physique. They come from areas in which children are compelled to play on pieces of waste ground or in the streets. Ancoats, Gorton and the other densely packed working class areas of "Cottonopolis" are playground-starved. For example, the plan of Ancoats shews an area of houses with hardly a single open space.

We shall never secure proper standards of health and vigour in the community until the quality of "good sportmanship" is so widely spread that each member of the community, according to his or her age or strength, devotes a certain amount of time to physical exercise in the open air, and no area can be regarded as properly planned which is not provided with facilities in the shape of playing fields for the use of the community.

The failure to provide amenities in our industrial towns has had deplorable results in another respect. It has given to rich manufacturers a valid excuse for removing their homes many miles into the country—more especially since the advent of the motor car. The industrial town is to the hard-headed man of business a place to make money in, but to be "escaped from" when the factory closes. The fact that his forefathers helped to make the gloomy town and that he inherits a responsibility for it, has no weight with him, and in any case he can pay a tribute in cash towards the charities of the town and thus "ease his conscience."

The task of remedying the faults already committed is one of great difficulty, and it seems well nigh impossible to introduce amenities in the centres of our towns. But it is not only possible, but desirable in the highest degree, that we should have the good sense to give expression to our anger at the neglect of amenity in the past by making absolutely sure that as new areas develop these shall be amply provided with all those amenities of a civilised life which are lacking in the centres of the towns which have been so badly spoiled by the neglect of our forefathers.

First amongst these amenities must be placed the provision of the home garden. The value of the home garden as an amenity in life is quite beyond question. "God Almighty first planted a garden, and indeed it is the purest of human pleasures," wrote Sir Francis Bacon.



Valuable as public gardens are they do not meet the same purposes as the home garden. This garden may not be more than a few square yards, but it nevertheless gives the wife an opportunity of enjoying pure air and direct sunshine whilst still within the area of her home. In the days of maternity a quiet restful garden must often seem like a perfect oasis of rest and quiet to many a workman's wife.

In regard to parks it may be stated that as a general rule it is far better to give the park features in the shape of many small playing fields, small garden parks and wide boulevards. If, for example, on the borders of a great town the main road, which is mostly favoured by those "taking their walks abroad," could be made the subject of town planning treatment and fringed with well-laid-out walks, shrubberies and small gardens, the whole aspect of the border of the town would be changed.

Unhappily, as a result of past neglect, it is too late to do this except at great cost, but those Local Authorities who decide to cut new roads of the arterial type should regard the provision of this form of suburban boulevard and park-like walk as one of the most important town planning features to be secured.

#### THE DUTY OF MUNICIPAL STATESMEN.

This then is the case for Town Planning, and on it an appeal can be based to every municipal statesman in the Kingdom—whether he lives in a small or a great town, or even in a small, growing village.

It should come to all clear-headed administrators as an appeal for the substitution of order in place of chaos in town growth. To those members of Municipal Committees who are responsible for the guardianship of the health of the population the appeal should be that of the wisdom of prevention as compared with the wastefulness of cure. The power to plan on right lines in the future, given to them under the Act of 1909, comes indeed as a challenge to their administrative ability. To those responsible for the wise administration of municipal revenues the appeal is direct and strong. They have witnessed for many years the waste of the ratepayers' money on clearance schemes, on road-widening schemes, and on many other schemes which would never have been necessary at all if town planning care and foresight had been exercised. To them the case for Town Planning on the financial side is overwhelming. They realise that the sick man is a burden to the community, whilst the healthy man is an asset. The one has to be carried: the other carries his own burdens and helps to carry the burdens of others. They will surely therefore realise to the full that the best way to demonstrate the possession of financial wisdom will be by using their "weight in counsel" to secure that although the power to Town Plan has come late to this Kingdom, yet now that it has been placed in the hands of Local Authorities it shall be used in the best spirit of municipal statesmanship.

## CHAPTER VII.

THE FIRST STEP TOWARDS TOWN PLANNING IN  
GREAT BRITAIN.

**I**T is now necessary to describe in detail the steps taken by Parliament to give to the Local Authorities entrusted with the government of various municipal areas—city, town and district—the power of controlling and deciding the conditions and character of town and industrial village development.

This first step—if it is right to speak of a group of legislative enactments as a step—was taken in the passing of a series of Public Health and Sanitary Acts between 1846 and 1875. The second step was taken by the passing of the Housing and Town Planning Act of 1909.

Prior to 1846 a number of municipal authorities had secured private acts dealing with such matters as cleansing, lighting, water supply, the construction of sewers, &c. In 1846-1848 a number of general acts were passed, but these were not compulsory and belonged to the category of "permissive" acts. The Acts passed in this period included the Public Health Act of 1848. Various other Acts dealing with public health, and especially with sanitation, were passed in 1853, 1863, 1866, 1868, and 1870, and then in 1872 and 1875 Public Health Acts with compulsory provisions were placed on the Statute Book.

This book is devoted to the question of Town Planning, and it is not practicable, therefore, to give any description of the work of the sanitary reformers, who by their zeal and untiring devotion built up this sanitary legislation, and persuaded Parliament to pass these various enactments. But a deep debt of gratitude is due to their memory. They succeeded in placing Great Britain in the forefront of the nations as far as sanitation is concerned—a position which it still holds to-day.

The best tribute to the value of their work is to be found in the steadily declining death rates.

This represents a saving of many millions of lives, and although these lessened death rates are partly due to the general rise in the standard of comfort and the lessening of poverty, they are also largely due to the sanitary legislation of this period.



## THE PUBLIC HEALTH ACT OF 1875.

The chief achievements of this new legislation in regard to the imposing of conditions governing the methods of town growth were made under the Bye-laws which Urban Local Authorities were empowered to make under Section 157 of the Public Health Act of 1875.

This Section empowered every Urban Authority to make Bye-laws with respect to :—

- (1) The level, width, and construction of new streets, and the provisions for the sewerage thereof ;
- (2) The structure of walls, foundations, roofs, and chimneys of new buildings for securing stability and the prevention of fires and for purposes of health ;
- (3) The sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings ;
- (4) The drainage of buildings, the water closets, earth closets, privies, ash-pits, and cesspools in connection with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation.

The power possessed by the Local Government Board of sanctioning loans and making enquiries carried with it in effect the power to exercise a steady pressure on Local Authorities, leading them to exercise this power to frame Bye-laws, and various codes of bye-laws have been framed and used during the forty years which have passed since the Act was placed on the Statute Book.

The standards embodied in these Bye-laws differ somewhat, but the following Model Bye-law standard affecting the layout of new areas may be regarded as the one in general operation. :—

- (1) Carriage roads (including all front streets over 100 feet in length) must have a minimum total width of 36 ft. Other front streets must have a minimum total width of 24 feet.

In some cases the minimum width of carriage roads is 40 feet and 50 feet, but the general standard is 36 feet.

- (2) A clear open space must be provided at the rear of the dwelling of at least 150 square feet in area, and with a depth proportionate to the height of the house as follows :—

Height of Building.	Depth of Rear Space.
Under 15 feet .. ..	10 feet.
Over 15 feet and under 25 feet ..	15 feet.
Over 25 feet and under 35 feet ..	20 feet.
Over 35 feet .. ..	25 feet.



## (3) Plans and notices must be sent to the Local Authority :—

(a) By any person who shall intend to lay out a new street. These must give (i.) Plan at least 1 inch to 44 feet ; (ii.) Names of owners of land of street ; (iii.) Level, width, relative position, size of lots, and inclination of streets ; (iv.) Height, class and nature of buildings ; (v.) Height of division wall and fences.

(b) By any person who shall intend to erect a new building. These plans must give (i.) Plan at least 1 inch to 8 feet ; intended mode of drainage and water supply ; (ii.) Dimensions, position, and form of all parts and appurtenances of the building ; description of materials to be used ; (iii.) Line, size, depth, inclination, and ventilation of each drain ; the level of the lowest floor.

Notices must be sent to the Surveyor of the date when a new building or estate is to be begun.

## (4) At certain intervals there must be cross streets provided. (This is not a general provision, but it is found in many Bye-laws.)

How completely these Bye-laws governing town development satisfied those who desired to secure reforms can be seen from the fact that almost all the model villages and suburbs developed between 1875 and 1890 are planned on the bye-law pattern with rectangular roads and heavily paved streets.

It must indeed be recognised that compared with the lack of control prevailing prior to 1875, the order and method produced by the new regulations were admirable, and it is not difficult to understand why it was that these were both named and regarded as "Model" Bye-laws.

We can sympathise with the pride with which those responsible for municipal government witnessed the orderly growth of the new streets, each with its proper provision of street width fully paved, curbed, and channelled, and with the back street constructed to give access to the back yards of the houses, thus enabling the clearance of faecal and other debris to be made with the minimum of discomfort.

## THE CREATION OF A "NEW SLUM" TYPE OF STREET.

But valuable as the new order and method were as compared with the chaos of development preceding the Bye-law period, the sanitary reformers of the Victorian era left undone the most important part of their task. They desired to secure order and achieved monotony. They rendered impossible the development of the old *cul-de-sac* alley and court, but they brought into existence a street of a type which has been called, not without some justice, a "new slum." They secured the provision of a sanitary house, but as a result of the limitations of their regulations these sanitary houses were placed together in what the President of the Local Government Board responsible for the Town Planning Act called in a picturesque phrase "long rows of brick boxes with slate lids."

It would seem that they were blind to the need for amenity, for they regarded with equanimity the development of areas of houses without the provision of a single garden or playground, except the hard playground of the elementary school.

Streets grew with mushroom-like rapidity, and the pleasant meadow with grass and trees gave place to a series of rectangular streets of gardenless, treeless houses standing rank behind rank like soldiers at a military review.

A bad process of bye-law development was in effect evolved, which may be thus described. A board appeared in a green field notifying the fact that desirable building land was for sale. After a lapse of years the board was taken down and the builder appeared to start the process of development. All the trees were destroyed, grass disappeared, and finally streets of houses, all ugly and all alike appeared.

Many of the sanitary reformers of this period committed an equally great blunder, viz. : that of giving their blessing to the tenement type of dwelling. Largely as a result of their encouragement philanthropists in London have been led to provide great sums of money for the erection of a type of dwelling which is radically bad. In some great provincial cities, *e.g.*, Liverpool, Manchester and Sheffield, this bad example of private philanthropists has been followed in some measure by Local Authorities.

The healthy prejudice in favour of the small house, a prejudice which the English workman shares with the workmen of Holland and Denmark has, however, saved England from the infliction of the tenement dwelling as the normal type of workman's home. The issue is no longer in the balance, and except in cases of abnormal poverty and of special problems at the centre of such great cities as London and Liverpool, no English Local Authority will for a moment consider the erection of such dwellings under town planning schemes. In the words of the late Alderman Thompson, they realise that it is their duty to secure the "housing of the workman, and not the warehousing of the workman."

## CHAPTER VIII.

## THE SECOND STEP TOWARDS TOWN PLANNING.

IT is by no means an easy task to give a fair and just description of a movement in favour of new legislation until sufficient time has elapsed to enable a proper historical perspective to be gained. It is however essential that a brief summary of the movement which culminated in the passing of the Town Planning Clauses of the Act of 1909 should be given here; any faults there may be in the judgment as to the relative value of the forces will without doubt be duly corrected by other writers.

The movement in favour of English Town Planning legislation may be said to have commenced with the establishment of the garden villages of Bournville and Port Sunlight by two "captains of industry"—Mr. George Cadbury and Sir W. H. Lever. It is true that prior to the foundation of these villages there were a number of model villages established such as, for example, the village of Saltaire, but the plans on which these villages were laid out did not in any great degree differ from the plans on which the great mass of new workmen's quarters were planned. That is to say, the streets were bye-law streets, the usual space at the rear of houses was provided, and for the rest—though as a result of central control the houses were kept more neatly—the resultant village was one of monotonous regularity and possessed few amenities.

In planning Bournville and Port Sunlight Mr. George Cadbury and Sir W. H. Lever broke away from the bye-law method of planning and established garden villages in which for the first time in the development of English industrial towns and villages the provision of amenities was given its proper value and weight. Both villages were established in the nineties; they were both the outcome of the desire to improve the conditions under which workmen were compelled to live. These villages are described in close detail in a later chapter, but it will be of service here



to describe the reasons for their foundation, and by the kindness and courtesy of Mr. George Cadbury and Sir W. H. Lever it is possible to give in the two following paragraphs a clear statement of the objects aimed at :—

#### THE FOUNDATION OF BOURNVILLE.

Mr. George Cadbury, who for 54 years has conducted an Adult School class in Birmingham, was led to found Bournville Village largely through his experience as a teacher. Some thousands of men passed through this class and its branches and hundreds were reformed, but he found it was extremely difficult for men to maintain their Christianity in homes where there were no means of recreation when work was done in an evening, on Saturday afternoons, and on Sundays. Only those who have visited the back streets of our cities know how dreary is the life of a man where the family live in a cottage without a garden or any green thing round it, and with the children and all the washing and cooking in one room, and the only place where he can get a change easily is the liquor shop. This experience so much impressed Mr. Cadbury that he built Bournville Village, and then so that the idea might be carried out elsewhere he handed it over with the land, which now covers 650 acres, to a Trust, absolutely non-sectarian and non-political, the whole income to be devoted to providing healthy homes. Bournville has more than answered his expectation, for the death rate is only about one-third that of Birmingham. The children at the Bournville Schools are on an average  $2\frac{1}{2}$  inches taller at 12 years of age than the children in a Birmingham Council School whose height was also taken. Nearly 50 per cent. of the householders at Bournville, which now has a population of 4,200, work in Birmingham and come out by tram, rail, and bicycle, and are so well repaid for the effort and sacrifice made that there are twenty or thirty applicants for every house that may become vacant. All the houses built are expected to show a net return of at least 4 per cent. on the cost, and the land is leased for building with the condition that the house does not occupy more than one-fourth of the site, and that in addition to wide roads one-tenth of the land shall be devoted to parks or public playgrounds. For several years the produce of thirty average gardens has been taken, averaging 1s. 11d. per week, thus yielding about £50 per acre, ten times the value of the food produced on the same land when in pasture.

Nearly 1,000 houses and shops have been erected in all at Bournville, and although 90 per cent. of the population is an artisan population, the death rate is less than 6 per 1,000 as compared with 15.6 per 1,000 in Birmingham.

To secure a net return of 4 per cent. on the houses, rent is fixed on a basis of  $6\frac{1}{2}$  per cent. on the cost, the tenants paying rates in addition. Thus should the total cost of the house and garden be £250, the annual charge to the tenant for rent would be  $6\frac{1}{2}$  per cent. on the cost, that is £16 5s. 0d., or 6s. 3d. per week.

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The charge is made up as follows :—

		£	s.	d.	
Ground rent, 400 yards at 1d. ..	..	1	13	4	.. .67 on cost.
Maintenance at 1 per cent. average ..	..	2	10	0	.. 1.00 „
Water rate .. ..	..	0	16	6	.. .33 „
Management Expenses .. ..	..	1	5	0	.. .50 „
<hr/>					
Working Expenses .. ..	..	6	4	10	.. 2.50 „
Net Interest on Capital at 4 per cent. ..	..	10	0	0	.. 4.00 „
<hr/>					
Gross Annual Charge .. ..	..	£16	4	10	.. 6.50 per cent.
<hr/>					

## THE FOUNDATION OF PORT SUNLIGHT.

The establishment of Port Sunlight is due to the clear recognition by Sir William Lever that the efficiency of the workman is vitally affected by the condition of the home in which he lives.

How clear this recognition is can be seen from the following extracts from a speech delivered when the International Housing Congress visited Port Sunlight, under the presidency of Alderman W. Thompson in 1907 :—

“ The Cottage Home is the unit of a nation, and therefore the more we can raise the comfort and happiness of home life, the more we shall raise the standard of efficiency for the whole nation. In the earliest stages of man's civilisation and development, the struggle for supremacy was between individuals, and the individual who excelled the most in the possession of health and strength, had the greatest probability of long life and such happiness as the battle and the chase gave to him. Next the struggle for supremacy was between towns, villages, and small communities, but to-day the struggle for supremacy is between nations, not so much on the battlefield as in the field of manufactures and commerce. But still to-day, as of old, that nation will be declared to be the fittest to survive and enjoy the longest life and the utmost possible happiness and comfort, whose individual citizens possess the greatest measure of health and physical fitness. The strain of modern life is ever increasing but this need not necessarily tend to the deterioration of the race. Nay, on the contrary, the very struggle for existence has in the past, and will in the future, if proper attention be paid to healthy home life and environment, tend to produce the greater efficiency of a healthier, stronger and more virile race. Once let a nation become careless and indifferent on the question of the Housing of her citizens, and the reasonable and proper enjoyment by those citizens of healthy relaxation from toil when strenuous work is done, and of the conditions favourable to healthy life, and that nation is bound to witness a gradual deterioration of physique and vigour. All nations, none more so than our own, have been far too long indifferent to this great question of Housing Reform and all that it means. Happily all nations, and none more so than our own, are now awakening to a due appreciation of the importance of this matter. Proper Housing conditions require not only proper air space and good planning within the home, but equally the provision of large open spaces and recreation grounds outside the home. Statistics have proved, beyond the shadow of doubt, that the more the homes of the people are spread over the land in proportions not



exceeding 10 to 12 houses to the acre, the lower the death-rate and the higher the birth-rate become. Statistics equally prove that where the homes of the people are packed like sardines in a box from 50 to 80 houses to the acre in the slum areas, the death-rate is more than double the death-rate of those districts where the houses only average 10 to 12 to the acre."

The building of Port Sunlight was first started in 1888, and since then a sum of more than £500,000 has been expended in buying 132 acres of land, building cottages, houses, schools, shops, institutions, clubs, &c., and in making the roads, laying out the parks, &c.

Upon this amount Lever Brothers Limited receive no interest or return whatever, the rents being fixed at such an amount as only to pay for rates, taxes, repairs, and maintenance, and one per cent. for depreciation.

There are two types of houses at Port Sunlight: the cottage type and parlour type. None of the houses have less than three bedrooms.

The accommodation in the cottage type provides for three bedrooms upstairs, and living room, kitchen, scullery, bathroom, and larder on the ground floor, with enclosed yard and usual outbuildings. "Our experience," says Sir W. H. Lever, "leads us to believe that any variation from the adopted dimensions has not been popular with the villagers. If the rooms are made larger it entails more work on the wife than she is able to devote to their care, and therefore the house soon loses its tenant. On the other hand, if the rooms are smaller they will not accommodate the necessary furniture, with a like result. In fact, a workman's cottage must fit like a glove the wants of the tenant if it is to be a successful attempt to provide for the happiness and comfort of himself and family."

The rents charged for these cottages provide, as stated above, for maintenance, repairs, one per cent. depreciation, rates, and taxes, but not for any interest on the capital. The firm, of which Sir W. H. Lever, M.P. is the head, takes the view that the letting of the cottages on this basis is a valuable means of achieving the best ends of prosperity-sharing, since the wives and children of the workmen all gain as a result of the good conditions.

In every case gardens have been provided as a foreground for the cottage and as a screen from the roads. In addition to these gardens there are allotment gardens to almost every block of cottages. These allotments are placed as near as possible to the cottages, and are greatly used and appreciated.

It is said of the builders of some of the great cathedrals that "they builded better than they knew," and this applies with especial force to the founders of Bournville and Port Sunlight, for valuable as the services rendered to the workmen of Birmingham and Birkenhead have been, these services are small compared with the national service rendered by the evolution of a new type of workmen's village. In the nineties they rendered much the same service as that rendered by the inventor



of a new process of manufacture. The history of such inventions shews that whilst many years pass before full effect is given to the new discovery, the old method of manufacture is doomed, and whether manufacturers approve or not, the discovery of the new process marks a stage in the evolution of the industry. Similarly the establishment at Bournville and Port Sunlight of these garden villages meant the evolution of a new form of industrial village, and in the consideration of every new project of town and village building the standards set at Bournville and Port Sunlight were bound to be considered and their influence fully felt.

The influence exercised by these villages on legislation has been of profound importance. Mr. Cadbury and Sir W. H. Lever will agree that the best of all the features in Bournville and Port Sunlight is to be found in the provision of gardens and open spaces, and the influence on Parliament of the knowledge gained as to the health value of thus limiting the number of houses to the acre was such that it will be hardly too much to say that the best feature of the Act of 1909, viz. : the power to limit the number of houses per acre, would not have been carried had not the great advantages of this limitation been clearly and practically demonstrated at Bournville and Port Sunlight.

#### THE DEVELOPMENT OF THE GARDEN CITY MOVEMENT.

In 1898 Mr. Ebenezer Howard published a remarkable book : " Garden Cities of To-morrow," which carried the movement in favour of town planning a stage further. In this book Mr. Howard, after clearly outlining the bad features of the great industrial town, made a strong appeal for the construction of a new type of city—a garden city.

In the earlier stages of the movement his conceptions were unaffected by the methods of city development hitherto followed either on the Continent or in England, as can be seen from the diagrams published in his book. These were clearly the work not of a town planner, but of an idealist, and as such had obvious limitations. The great service rendered by Mr. Howard was, however, that he stated in clear and concise language certain truths regarding city development in general.

Following on the publication of this book a Garden City Association was formed for the purpose of carrying into effect the proposal of Mr. Howard. This Association, with Mr. Ralph Neville (now Mr. Justice Neville) as Chairman, and Mr. Thomas Adams as Secretary, rendered invaluable service in the formation of a company to carry into practical effect the proposals of Mr. Howard, and later the purchase of the Letchworth estate was made.

This interesting estate is described in detail in a later chapter, and need not be dealt with here. It is however necessary to emphasise the educational value of the propaganda work carried on by the members of the Garden City Associa-

tion. They boldly condemned the whole method of industrial town development and pleaded with great force for the decentralisation of industries—these industries to be re-established in properly planned garden cities.

Their appeal was in effect that landowners and manufacturers should by voluntary collective action do what Mr. Cadbury and Sir W. H. Lever had already done at Port Sunlight and Bournville, and in their publications the value of order and method in planning estates was explained and the evil results of the lack of care in the past were stated in the clearest possible language.

Probably because the founders of the Association were anxious that these garden cities should be established as new cities and developed on cheap rural land, the question of town planning action by Local Authorities did not come within the scope of their earlier educational work—although the Association (now the Garden Cities and Town Planning Association) has since the foundation of the First Garden City Company rendered great service in the work of town planning education.

#### THE WORK OF MR. T. C. HORSFALL.

It was left to Mr. T. C. Horsfall to voice the clear demand that the work of town planning should be taken in hand not only by captains of industry and landowners desiring to develop garden cities, but by Local Authorities themselves, and it is to Mr. Horsfall that the inception of the English Town Planning movement on the municipal side is due.

This great service was rendered by Mr. Horsfall in the publication of a book entitled "The Example of Germany." This book was written as a supplementary volume to a Report prepared by Mr. T. R. Marr—Secretary of the Citizens' Association of Manchester and Salford—and dealing with the Housing Conditions in Manchester and Salford. In "The Example of Germany," Mr. Horsfall set out in clear and definite terms the case for granting to British municipalities of town planning powers similar to those already possessed by various German municipalities.

As has been stated above Mr. Horsfall's book was part of a Report prepared by the Manchester and Salford Citizens' Committee on the Housing Conditions of Manchester and Salford. This Committee was formed for the purpose of directing attention to the need for Housing Reform, and formed part of a national movement which, commencing in the last years of the nineteenth century, had given expression to the growing desire that the housing question should be dealt with and constructive action taken by Parliament and by Local Authorities.

Several organisations were formed during the last decade of the nineteenth century, and amongst these organisations the Workmen's National Housing Council and the National Housing Reform Council were active in demanding not only that the existing Housing powers should be wisely and vigorously used, but that new and more effective powers should be granted to Local Authorities.



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The first named of these organisations has through several years of most useful work given special attention to the work of voicing the needs of workmen, and the late Alderman Fred Knee gave invaluable service as secretary. The National Housing Reform Council (now the National Housing and Town Planning Council) entered upon a more general field of work, whilst specializing on the task of influencing Local Authorities in favour of constructive action.

### THE FIRST TOWN PLANNING RESOLUTION.

From time to time the two Councils have organised meetings in common, and it was at one of these—held during the meetings of the Trades Union Congress at Leeds in 1904—that a Resolution, which was probably the first Resolution carried in favour of Town Planning in Great Britain, was proposed by Mr. T. C. Horsfall, and unanimously carried.

From the year 1904 onwards the movement made rapid progress. The Association of Municipal Corporations, the Royal Institute of British Architects, the Surveyors' Institution, the Association of Municipal and County Engineers, the Garden City Association (now the Garden Cities and Town Planning Association) and other associations gave powerful support to the proposal.

During this period the National Housing Reform Council gave special attention to the work of public education, and in all thirty Conferences were arranged under its auspices, the Chairman—Alderman W. Thompson—giving unwearying service to the work.

Many interesting schemes for Garden Suburb planning by private and co-operative companies were commenced in these years, and at least three of these garden suburb schemes exercised a powerful influence for good quite above and beyond their own direct value to the residents on the land thus planned. The largest of these schemes is now well known as the Hampstead Garden Suburb, and its inception and a large measure of its success is due to the energy and fine enthusiasm of Mrs. Barnett—the wife of the late Canon Barnett.

### DEVELOPMENTS AT HAMPSTEAD, EALING AND EARSWICK.

Mrs. Barnett secured, on behalf of the Trust, from the Eton College Trustees, an option to purchase 240 acres of land at a price of £112,000, or about £470 an acre. As this land was situated at a point close to the projected Hampstead Tube Station with a service of electric trains giving access to Charing Cross in less than half an hour at a cost of 3d., the price must be regarded as in every way a favourable one.

The original body of Trustees included Earl Grey, The Earl of Crewe, the Bishop of London, the Right Hon. Sir J. Gorst, Sir Robert Hunter, Mr. Walter Hazell, Mr. Herbert Markham, and Mrs. Barnett. At a later date Mr. Alfred Lyttelton, M.P., and Mr. Henry Vivian joined the Board of Trust, and Mr. Raymond Unwin, the architect of the First Garden City, was entrusted with the work of preparing a plan for the lay-out of the estate.



The details of the scheme will be found, together with a plan, in a later chapter, but it will be of service to give an extract from a Report prepared by Mrs. Barnett for the International Housing Congress held at Liège in 1905, as expressing in clear language both the growing discontent with the rectangular planning of bye-law development and the hopes and aspirations of the members of the Trust.

"The movement of the population from the centre to the outskirts of London is a noticeable fact in modern life, and is likely to grow rapidly as the demand for land for business purposes in the heart of a city increases, and as education develops the appreciation of better environment. The result of this movement is the formation of suburbs which at present receive either the wealthy, the middle or the industrial classes, but seldom all together. This separation has its own dangers; the rich lose the benefits of the atmosphere of strenuousness, and the ugliness and monotony of the industrial suburbs must be prejudicial to the love of country and to that fondness for home which is so powerful an incentive to all that is worthiest in character.

"Enquirers into social conditions are unanimous in attributing many present evils and sorrows to the bad housing of the poor. A suburb street offers more room and more air than a town street, but the suburb of the speculating landlord and builder does not solve the problem. The long monotonous streets, with their rows of cheap houses, all alike gardenless and treeless, always noisy because they are the only playground for the children, do not refresh the tired worker by stirring his interest in nature or awakening purer sympathies. The air dulled by close population, and the absence of any lovely or quickening sights or sounds, do not encourage hope, which is the breath of progress. The evils are not only personal. The civic and social disadvantages of the seclusion of the separate classes in separate districts is seen in a London suburb where, with a population of 63,000 people, there are only 123 houses with a rental that exceeds £50 a year. In consequence the rates are the highest in England, 11s. 3d. in the pound, with an education rate of 2s. 10d., a contrast to its neighbour, a middle class suburb, where the school rate is 8d.

"The proposed Garden Suburb would do something to meet the housing problem by offering to working people the opportunity of taking a cottage with a garden, within a 2d. fare of Central London. It would provide them with the advantage of cleaner air, space for the children to play, a garden in which the family's labour, exercised by way of recreation, will provide vegetables, fruit and flowers, a house which may be individualised as a home, and interests which occupying body and mind, are, among the most effective weapons against the temptations of drink and gambling which so often make the poor poorer.

"In the proposed Garden Suburb the houses of the industrial classes will not be an eyesore, as such houses often are, because arrangements will be made to house in red roofed barns the tools, barrows, and other domestic appliances which make back yards and allotments usually so unsightly. Moreover it is believed that the neighbourhood of persons of varied classes, varied tastes and paying varied rents, and the provision of Associated Homes for single ladies, clerks, working women and the aged, will both ensure the diversity of building which aids beauty, and also stimulate the inhabitants to keep their respective homesteads up to a standard worthy of the whole. That the whole should be kept beautiful will be one of the permanent duties of the Company. It will be their endeavour that it should be a fit desirable locality for those who being blessed with this world's goods, or who, having reached the 'afternoon of life,' wish to live with more repose, surrounded by the varied, but indefinite influences known as amenities."

In the same period the estate of the Ealing Tenants Limited had been steadily and quietly developed, and although much smaller in extent than the Hampstead Garden Suburb, the principle of Tenant Co-partnership which was there carefully worked out was ultimately found to be of great value in developing the working class areas of the greater estate at Hampstead.

The development of the Garden Village of Earswick, near York, was also commenced in this period. In some respects it is the most charmingly rural of all the garden suburbs, and Mr. Raymond Unwin has done some effective planning and cottage designing work there as will be seen from the detailed account given in a later chapter.

This village possesses a special interest for town planning reformers as the local field in which one of the most valuable of living forces for housing and town planning reform—Mr. B. Seebohm Rowntree—gained his experience in definite housing work.

### THE WORK OF ALDERMAN THOMPSON AND MR. NETTLEFOLD.

In regard to the work of town planning education in this period, the names of two earnest reformers deserve to be placed beside those of Mr. Cadbury, Sir W. H. Lever, Mr. Horsfall and Mr. Howard, as men who helped to make the Town Planning Act possible.

The first of these—Alderman William Thompson—died in May, 1914, in the prime of a life spent in unwearying service for his fellow men. His death was a great blow to the Housing and Town Planning movement, and more especially to the National Housing and Town Planning Council—the Chairmanship of which he held from its formation until the time of his death. Persuasive, possessing a keen sense of proportion, with a profound determination to sweep away bad housing conditions and to prevent their repetition, the tribute to the value of the Deputation received by the Prime Minister—Sir Henry Campbell-Bannerman—in 1906, was largely a personal tribute to Alderman Thompson.

The second of these—Mr. John S. Nettlefold—is still giving earnest and vigorous service. The pioneer action taken by the Birmingham City Council has been directly due to his advocacy as a member of that Council, and the standards of estate development set by him in the successful Housing experiment at Harborne have been of great practical service.

### THE WORK OF THE BIRMINGHAM CITY COUNCIL.

It will be seen in later chapters of this book that the Birmingham City Council has led the way for other great British cities to follow in the path of Town Planning administration.



But prior to the passing of the Act the Birmingham City Council rendered great services to the movement not only by advocating legislative action and securing the invaluable support of the Association of Municipal Corporations, but by publishing clear and concise reports of visits of town planning investigation in other countries.

#### THE DEPUTATION OF THE NATIONAL HOUSING REFORM COUNCIL TO THE GOVERNMENT.\*

In the year 1906, the movement for town planning passed from the educational stage to the practical stage by the sending of a Deputation to the Government, and the giving of a definite promise that legislation should be placed as soon as convenient before the House of Commons.

This Deputation was organised by the National Housing Reform Council for the purpose of placing before the Government a suggested programme of Housing and Town Planning legislation, and was received in the Cabinet Room at the house of the Prime Minister, in Downing Street, by the Prime Minister (Sir Henry Campbell-Bannerman), and the President of the Local Government Board (The Right Hon. John Burns), on November 6th, 1906, and the Prime Minister then gave a definite pledge that Housing and Town Planning legislation would be introduced by his Government as soon as circumstances permitted.\*

From 1906 to 1908, whilst reformers were waiting for the promised legislation, public interest in the question steadily grew, and happily this interest was not confined to the discussion of theories, but found expression in actual work.

The National Housing Reform Council placed in hand the arrangement of Cottage Exhibitions at Sheffield, Newcastle-upon-Tyne and Swansea, and in view of the need for experimenting with standards of limitation of the number of houses to the acre, a limitation of twelve cottages to the acre was fixed for all these Exhibitions. It is interesting to note that this index figure has been adopted in the Harborne and Quinton Scheme of the Birmingham City Council, and in the Scheme of the Ruislip-Northwood Urban District Council.

#### THE ACT OF 1909 AND THE WORK OF MR. JOHN BURNS.

Of the great work accomplished by the President of the Local Government Board—Mr. John Burns—and his officers at the Local Government Board in framing and piloting the Act of 1909 through all its difficult stages, it is now necessary to speak. The Parliament into which the Bill was introduced was one of great enthusiasm and desire for social betterment, and the wish of many members to make the Housing and Town Planning Bill a more effective instrument for good led to a good deal of

\* In view of the importance of the proceedings of this deputation, and especially in view of the historical value of the reply of the Prime Minister, a full report is given in the Appendix to Part I. of this book (pages 161 to 183).



discussion and criticism, but Mr. Burns will be the first to acknowledge that the Act was improved and not weakened as a result of the steady stream of amendments which found their way to the Agenda of the Standing Committee. In any case the greater merit of passing the Act is his. His name will be honoured in the years to come as the Minister who first drafted and carried through a Bill embodying the principle that British Local Authorities should be empowered to prepare town planning schemes. In doing this Mr. Burns has rendered a great service to his country—a service which as years pass by will be more and more appreciated by his fellow countrymen.

The promised Bill was introduced by Mr. Burns in 1908, and after passing through the Second Reading Stage without opposition, was sent to a Standing Committee, with Sir F. A. Channing as Chairman, and only left the Committee on December 3rd, 1908, a few days before the end of the Parliamentary Session for 1908—so late indeed that after deliberation the Government decided to place the Bill aside until the following Session.

In all twenty-three meetings of the Committee were held between July 14th and December 3rd, 1908, and although the postponement of the Bill until the Session of 1909 was a disappointment to many reformers, there can be no doubt that the close and detailed consideration given to the Bill was of great service.

For example, the power to limit the number of houses to the acre, given to Local Authorities under the Act as finally passed, was not given to them under the Clauses of the Bill as first drafted. The proposal was brought before the Standing Committee on November 19th, 1908, by Sir John Dickson Poynder (now Lord Islington), who moved that a new Clause embodying this proposal should be added to the Bill.

This proposal was warmly approved and strongly supported by members of all the political parties, and strong support was given by Mr. Alfred Lyttelton, whose experience as a member of the Hampstead Garden Suburb, enabled him to speak with great weight as to the value of the proposal. The advocacy of Mr. Henry Vivian, based as it was on the knowledge gained of Co-partnership Housing at Ealing, Letchworth and Hampstead, was also of great value, and in accordance with the expressed desire of the great majority of the members of the Committee Mr. Burns consented to add a clause giving this power in the report stage, and the amendment of Sir J. D. Poynder was by leave withdrawn.

In 1909 the Bill was again introduced, but by general consent the procedure was shortened by considering it in a Committee of the whole House, and finally it was passed by the House of Commons and sent to the House of Lords for consideration.

In the House of Lords the power given to Local Authorities to limit the number of houses to the acre without compensation was made the subject of an amendment, which, had it remained in the Bill, would have rendered the power quite useless. Housing reformers were so much alarmed that a hurried meeting was called by the National Housing and Town Planning Council at the Westminster Palace Hotel, with Mr. George Cadbury in the Chair, for the purpose of protesting against this and similar amendments, and urging the Government to use their influence in the House of Commons to secure the re-amendment of the Bill in regard to those clauses which were weakened in the House of Lords. The Garden Cities and Town Planning Association, and other Associations, joined in the protest.

To the great relief of reformers, the Government took a firm stand in regard to several amendments, including that relating to the limitation of the number of houses to the acre, and restored several clauses to their earlier form.

The Lords accepted these Clauses and the Bill was finally passed through both the Houses of Parliament and received the Royal Assent.

## CHAPTER IX.

## A BRIEF SUMMARY OF THE TOWN PLANNING POWERS AND DUTIES OF LOCAL AUTHORITIES UNDER THE ACT OF 1909.

**I**N later chapters the Town Planning sections of the Act of 1909 will be explained, various stages of Town Planning procedure will be considered, and the critical consideration of a number of problems of actual administration will be dealt with. Without entering into close detail it will however be of service—as completing the record of the successful movement described above in favour of legislation—to give here a brief summary of the powers and duties of Local Authorities under the Act, and it is hoped that this summary will serve as a kind of preliminary survey of the field of Town Planning work for the use of those quite unfamiliar with the general subject of Town Planning procedure.

Briefly stated, these new Town Planning powers and duties are as follows :

## THE SCOPE OF A TOWN PLANNING SCHEME.

Local Authorities may, with the permission of the Local Government Board, place in hand the preparation of Town Planning Schemes governing all new building developments in their areas or adjacent to their areas, thus securing that the faults of bad planning in the past shall not be repeated in the future. This power to prepare Town Planning schemes does not however apply to the remodelling of the existing town, the replanning of badly planned areas, the driving of new roads through old parts of a town—all these are beyond the scope of the new town planning powers.

## THE EFFECT OF A TOWN PLANNING SCHEME WHEN PREPARED

When a town planning scheme has been prepared in accordance with the procedure laid down by the Local Government Board, it will govern the development of the areas to which it applies, and all the owners and others interested in the land included in the area to which the scheme applies, must act in accordance with the provisions of the scheme. This will not mean that as a result of the making of the plan roads will at once be constructed and the developments marked on the plan



carried into effect. The making of a town plan—and this applies to town planning both in Continental countries and in Great Britain—is in effect the definite fixing of the lines which the development shall take when, either in the opinion of the private owner or of the Local Authority, the time has arrived for the development to be made.

### THE OBJECTS OF A TOWN PLANNING SCHEME.

The objects to be attained by the preparation of a Town Planning scheme are defined as “proper sanitary conditions, amenity and convenience,” and provisions relating to these objects may be inserted in a Town Planning scheme.

### THE SECURING OF PROPER SANITARY CONDITIONS AND AMENITY.

In regard to proper sanitary provisions and amenity, Local Authorities in preparing Town Planning schemes may include provisions in respect of the following :—

(1) The limitation of the number of dwellings per acre through the area included in the scheme ;

(2) The reservation of certain areas for residential purposes ;

(3) The defining of shopping centres and the limitation of the erection of warehouses and factories to certain areas ;

(4) The fixing of conditions governing the height and character of the buildings to be erected in various parts of the area included in the scheme ;

(5) The fixing of a definite proportion between the site actually covered by a building and the area of garden or other form of curtilage to the building ;

(6) The granting of power to the Local Authority to purchase land for open spaces at prices to be defined in the scheme itself (or in agreements added thereto) or to accept gifts of land from owners, such land to be dedicated to the use of the public ;

(7) The fixing of building lines and the requiring those building houses to set back their cottages (at such distances as may be prescribed in the scheme) to secure the provision of proper air space and sunlight for each home ;

(8) The use of private open spaces and the preservation of these and of objects of national interest or natural beauty ;

(9) The framing of regulations requiring owners of private gardens, allotments, or private open spaces, to keep them in proper order ;

(10) The prohibition of advertisements which may interfere with the amenity of the district ;

(11) The forbidding of the erection of houses on unsuitable sites—*e.g.*, swampy land ;

(12) The fixing of minimum sizes of habitable rooms ;

(13) The variation of conditions of building construction.

By a clause specially added in the Committee stage, the giving of compensation to owners in those cases where Local Authorities, with the approval of the Local Government Board, place limits in regard to the number of buildings per acre, the height and character of the buildings, is guarded against.

This power is of especial value and has been described as worth the whole of the rest of the powers of the Act taken together. In effect, the possession of this power enables Local Authorities to secure that as new areas are developed the provision of gardens and open spaces shall be such as to secure the health and amenity of the district without placing a financial burden on the community to secure this desirable end.

#### PROVISIONS AS TO CONVENIENCE—*e.g.*, THE FIXING OF PROPER CONDITIONS AS TO TRAFFIC FACILITIES AND ROAD CONSTRUCTION.

#### THE POWER OF LOCAL AUTHORITIES TO DEVELOP ESTATES AND MAKE ROADS UNDER TOWN PLANNING SCHEMES.

In regard to convenience Local Authorities may under Town Planning schemes frame wide and varied provisions to secure that, on the one hand, the growing traffic needs of their districts shall be adequately met, and that, on the other hand, where relaxations of conditions as to road width can be, with safety, made, the cost of roadmaking shall thus be lessened.

The preparation of Town Planning schemes gives in effect to Local Authorities invaluable opportunities of studying the traffic needs of their districts and of substituting for the present 36 ft. and 40 ft. standards of road-width other standards comprising, at the one end of the scale, the arterial road of from 60 to 120 ft. in width, and, at the other end of the scale, the short residential road with only 20 ft. of constructed road, but with a distance of from 60 to 80 ft. between the houses on opposite sides of the road.

1

In other words, under a Town Planning scheme a Local Authority may provide for the construction of not one, but several types of road, including :—

- (a) Main arterial roads from 60 ft. to 120 ft., or more, in width ;
- (b) Secondary streets from 40 ft. to 50 ft. in width ;
- (c) Short streets, not taking through traffic, with widths of 20 ft., 24 ft., and 30 ft.
- (d) Quadrangles served by access roads of only 7 ft. in width.

Local Authorities may themselves undertake the development of estates by purchasing land, making roads, and leasing the sites or building cottages themselves. This power is, however, subject to certain limitations. These limitations are dealt with in Part II.

From this short analysis it will be seen that, taken together, these powers may be regarded as giving to those Local Authorities who realise the need for exercising control over the processes of town and village growth, powers of a most valuable kind.



## APPENDIX TO PART I.

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REPORT OF THE DEPUTATION RECEIVED BY THE PRIME MINISTER (SIR HENRY CAMPBELL-BANNERMAN) AND THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (THE RIGHT HON. JOHN BURNS), IN NOVEMBER, 1906, FROM THE NATIONAL HOUSING REFORM COUNCIL.

### SPECIAL NOTE :

*The Report of the Deputation of the National Housing Reform Council (now the National Housing and Town Planning Council), which was received by the Prime Minister and the President of the Local Government Board in 1906, is here given in full. It will be seen that the programme of suggested reforms covered the whole field of Housing and Town Planning Reform.*

*In this programme a number of proposals were synthesised in a clear and scientific way for the first time in the history of the Housing movement in Great Britain. The preparation of this programme was, for the greater part, the work of the late Alderman Thompson, and bears striking witness to his great ability in placing before his fellow countrymen an unanswerable case for a national effort to improve the homes and surroundings of the people—whose needs he knew so well, and with whose aspirations he was in such whole-hearted sympathy.*

The members of the deputation were as follows :—

Alderman Thompson (Chairman, National Housing Reform Council), Mr. George Cadbury, The Bishop of Wakefield, Mr. T. C. Horsfall (Chairman, Manchester Citizens' Association), Canon Moore Ede, C.C. (Vice-Chairman, North of England Cottage Exhibition Committee), Mr. Harold Shawcross (Rochdale) (National Housing Reform Council), Councillor W. G. Wilkins, J.P. (Derby) (Treasurer, National Housing Reform Council), Miss Constance Cochrane (Rural Housing Association), Miss Churton (Rural Housing Association), Alderman J. Curle, J.P. (Bath) (Secretary, Federation of Trades Councils for West and South-West of England), Councillor T. Shaw, J.P. (Sheffield Corporation Health Committee), Alderman Askew (Chairman, Hull Corporation Sanitary Committee), Mr. John H. Barlow (Secretary, Bournville Village Trust), Miss Sybella Gurney (Hon. Secretary, Co-partnership Housing Association), Councillor David Adams (Vice-Chairman, Housing Committee, Newcastle-upon-Tyne City Council), Mr. A. E. Cave (National Housing Reform Council), Mr. Henry R. Aldridge (Secretary, National Housing Reform Council).

Alderman Thompson opened the proceedings by placing the following proposals before the Prime Minister and the President of the Local Government Board :

#### A COMPREHENSIVE PROGRAMME OF HOUSING AND TOWN PLANNING REFORM.

The members and friends of the National Housing Reform Council composing the Deputation respectfully desire to place before the Prime Minister and the President of the Local Government Board, the following proposals for reform in the existing legislation and administration dealing with the housing of the working classes, in the hope that it will be found possible to introduce a government measure next session dealing with both urban and rural housing.

The present Acts relating to the Better Housing of The Working Classes, whilst producing some good, have palpably failed to remedy a great national evil. At the present rate of progress the existing slums will not be removed within a hundred years, and, meanwhile, new and badly planned housing areas are being developed under conditions which involve the creation of new slums.

The members of the Deputation respectfully submit that the causes of this failure are to be found in :

- (a) The scarcity of the supply of suitable dwellings to which the dwellers in overcrowded and insanitary houses can remove.
- (b) The imperfect character of existing powers relating to the clearance of unhealthy areas, and the repair or destruction of insanitary houses.
- (c) The lack of efficient municipal powers to secure the proper development of new housing areas and the building of suitable houses.
- (d) The failure of Local Authorities to fulfil their present Health and Housing responsibilities.
- (e) The insufficient machinery for securing effective inspection, control, and stimulus by the Central Authority.

The magnitude of the problem demands large, bold, various and comprehensive measures for its solution, but we believe that an effective codification and development of existing Acts should be the first step, so as to give free play to all forces, public and private, tending to promote the improvement of existing dwellings, and the provision of new and better additional accommodation of various kinds.

The reforms we advocate are as follows :

I.—LOCAL AUTHORITIES SHOULD BE STIMULATED TO CARRY OUT THEIR DUTIES UNDER THE HEALTH AND HOUSING ACTS :

- (a) By conferring a power of initiative and stimulation on any four persons in the district, not only with regard to nuisances and unhealthy dwellings, but also in respect of any necessary modifications of bye-laws (as well as the provision of new dwellings as in the Irish Labourers Acts).
- (b) The Central Government should appoint Health and Housing Inspectors to visit the various districts, to advise Local Authorities as to the best methods of dealing with housing improvements, to report on cases of neglect, to temporarily supersede, if necessary, councils continuing to neglect their duties, and to carry out the necessary work at their expense.
- (c) Special public enquiries should be held by the Local Government Board in certain selected districts with the highest death rates.
- (d) Part III. of the Act of 1890 should be operative in all districts without any requirements as to adoption.

II.—THERE SHOULD BE AMENDMENTS OF THE PUBLIC HEALTH ACTS TO SECURE THAT :

- (a) Compulsory house-to-house inspection in every part of every district should be made by every Local Authority, instead of the intermittent or partial inspection now generally made ;
- (b) A register or record of all houses should be kept and renewed periodically. It should shew in respect of every dwelling the size, the number and rent of rooms, the light and air space with the sanitary accommodation and state of repair, and the name of the owner of site and buildings.

- (c) The definition of nuisances should be made to include :—

Houses which, although in a proper sanitary state, have been allowed to become dirty and dilapidated.

Rooms habitually used so as to allow less than 500 cubic feet of air space per adult in each living room, and less than 400 cubic feet per adult in each bedroom.

- (d) There should be a Statutory duty on all Local Authorities, to appoint properly qualified Medical Officers and Sanitary Inspectors to give their whole time to their duties, and such officers should not be removable except with the consent of the Local Government Board.



## III.—CLOSING AND DEMOLITION OF UNHEALTHY DWELLINGS.

Local Authorities should be empowered to make a Closing Order which should take effect unless an appeal be made within 14 days to the local magistrates, and if the house be not made fit for human habitation within four months of the date of making the order, demolition should automatically follow without further proceedings.

## IV.—CLEARANCE OF SLUM AREAS.

Procedure under Parts I. and II. of the Housing of the Working Classes Act of 1890 should be simplified and made more effective, and the owners of slum property should not be able to secure large sums for such land and buildings.

The Deputation consider that the owner of property which is dangerous to human health should be treated in the same way as the owner of diseased meat.

## V.—THE CREATION OF MODEL SUBURBS.

Local Authorities should be fully enabled to purchase and hold large estates in land on their outskirts, and to deal with such land on similar lines to those adopted at Bournville, and, to secure this end, Local Authorities (subject, in the case of Parish and District Councils, to the consent of the higher authorities) should be allowed to acquire such cheap and suitable land in large quantities to use, or hold, or lease, without necessarily specifying any immediate purpose or detailed scheme.

## VI.—THE ACQUISITION OF LAND BY AGREEMENT.

Local Authorities should have greater facilities and improved procedure for acquiring land by agreement easily and at a fair price, when suitable opportunity offers.

## VII.—COMPULSORY PURCHASE OF LAND.

The procedure for compulsory purchase of land should be shortened, cheapened and simplified. It is further suggested,

- (a) That the basis of any compulsory purchase of land required by public bodies should be the capital value of the land as declared by the proper Valuation Authority, or by Special Commissioners, as in the case of the Income Tax (subject to an additional exceptional allowance of a pre-determined and limited extra percentage for severance and other special circumstances); and
- (b) That on the value so declared, local and imperial taxes on land should be levied (except where otherwise expressly excluded), and in particular that any special tax on land values hereafter imposed should be so assessed.

## VIII.—TOWN AND VILLAGE DEVELOPMENT COMMISSION.

(a) A Central Commission, or a special department of the Local Government Board with extensive powers as to Land, Housing and Transit, should be established to consider the main conditions of growth of the various districts in the country and, where the county or borough area is not suitable, to map out what may be called "Scientific Areas" for each of which there should be subsequently established a Statutory Committee consisting, as to a majority, of representatives of the local authorities, and, as to the remainder, of experts nominated by the Central Commissioners.

(b) A Central Fund for town and village development should be treated somewhat on the lines of the Fund controlled by the Irish Land Commissioners.

## IX.—RURAL HOUSING, SMALL HOLDINGS AND OTHER VILLAGE DEVELOPMENTS.

Local Authorities and these bodies in suitable districts should be empowered and assisted

(a) To promote the proper development of villages by encouraging the provision of adequate and cheap means of transit, small holdings, and co-operative agricultural societies; and

(b) To take definite action to secure that proper schemes of colonisation of certain rural districts shall be carried out.

The powers of Part III. of the Housing Act of 1890 and the Small Holdings Acts should be amended to enable Rural Local Authorities to build or encourage the building of cottages to be let with small holdings of land.

## X.—TOWN EXTENSION PLANNING.

Local Authorities or groups of Local Authorities should be empowered to make plans for town extension dealing with the development of the land on the outskirts and prepared in good time so as to meet future needs, especially as to main roads, open spaces, and sites for public buildings or workmen's dwellings.

## XI.—CHEAPER MONEY.

(a) The Public Works Loans Commissioners should lend money for housing purposes up to 80 years to public bodies, and, on the recommendation of the Local Government Board, to the extent of not more than 80 per cent., to recognised Societies of Public Utility building on municipal land, at the lowest market rate at which the Treasury can raise money at the time.

(b) The restrictions which prevent the funds of Savings Banks, Charities, and Ecclesiastical bodies from being invested in housing schemes should be removed so long as this can be done without detriment to the funds.

## XII.—REVISION OF BYE-LAWS.

(a) Bye-laws should be strengthened in the direction of securing more open spaces and larger gardens when new housing estates are developed. There should be a clause prohibiting, except under special conditions, the building of more than a certain number of houses or rooms per acre, according to the nature of the district.

(b) Bye-laws as to new roads should make provision for a new and less expensive type of street, when used solely for access to groups of cottages, by requiring only part of the roadway to be made up.

(c) Bye-laws as to the structure of walls and buildings should be revised in the direction of avoiding unnecessary expense, while encouraging the use of new materials and better methods of construction.

## THE CASE FOR HOUSING AND TOWN PLANNING REFORM.

In introducing the Deputation, Alderman Thompson said that he was asked, on behalf of the National Housing Reform Council, to express their great appreciation of the sympathetic courtesy of the Prime Minister and the President of the Local Government Board in so readily consenting to receive the deputation.

He would first venture to direct attention to the statement of twelve serious evils which largely arose from, or were accentuated by, bad housing conditions. Rural depopulation at the rate of 500,000 during the last ten years was accompanied by urban overcrowding to the extent of 2,667,506 persons living in 392,414 overcrowded dwellings. In 1903, when there was the lowest death rate on record, the overcrowded counties of Durham and Northumberland had 10,000 more deaths in a population of 1,796,000 than Essex and Sussex, with about the same population. In that year there were 100,000 preventable deaths, of which 40,000 were those of infants, while for each case of death there were probably ten of disease and sickness.

Intemperance, lunacy, physical deterioration, unemployment, poverty, and hooliganism followed in the train of other evils arising largely from bad housing conditions, although these by no means exhausted the consequences of the body-blighting, soul-destroying conditions of overcrowding and the slums. The cost of the products of bad housing conditions was also a serious matter for the ratepayers and taxpayers. In addition to several millions a year for working expenses there were some £40,000,000 outstanding loans for cemeteries, hospitals, lunatic asylums, workhouses, and slum buying, while the indirect cost to workmen and their societies in sick pay and loss of work was incalculable. In sick pay alone the chief friendly societies and trade unions paid out about £3,500,000 per annum, or nearly one pound per member, averaging young and old.



Local authorities had failed to do what was necessary under the Health and Housing Acts, partly because of apathy, ignorance, prejudice, and vested interests, but even more largely perhaps because of costly and difficult procedure or the inadequate powers contained in those Acts, while so far as sanitary improvements in existing dwellings were concerned the scarcity of other suitable accommodation resulted in the penalising of the tenants by increased rents following on execution of sanitary repairs.

The National Housing Reform Council had embodied in the memorandum now put before the two right honourable gentlemen twelve points of reform, upon most of which nearly all housing reformers were agreed. They were not exhaustive, and there were individual objections even among the members of the deputation to certain clauses, but so far as a body of men representing nearly every section of the housing movement, and holding all shades of political opinion, could agree to a common platform, they might put forward the memorandum as embodying what he would call the "greatest common measure" of the reforms advocated by those whose experience and studies qualified them to speak with some degree of authority on this subject.

Nearly every proposal could be based on the recommendations of the Royal Commission of 1885. The main points had been approved by an unofficial Parliamentary Committee in 1903, mostly Unionist members, presided over by Sir John Gorst. Numerous conferences had approved the main proposals, including the recent important housing conference of the Liverpool Trades Union Congress. The first step was to help the local authorities by investing them with powers to deal more cheaply and efficiently with closing orders, slum clearance, land purchase, and borrowing money at a cheap rate.

The next was to provide greater power of initiative to individual citizens in requiring local authorities to exercise their powers not only for getting rid of existing nuisances, but also as in the case of the Irish Labourers Acts, for securing the provision of new dwellings. At the same time more advice, assistance, and pressure should be given by the central Government, who needed new powers and additional machinery for this purpose.

A house-to-house survey or inspection was necessary to get complete information as to existing accommodation, so as to estimate future needs, and thus enable the system of town planning and land purchase now started in Germany to be introduced in an improved and suitable form in this country.

A Central Town and Village Developments Commission acting through local bodies, such as county or borough councils, or special statutory committees established for suitable areas, should have large powers over land, housing, and transit, the three great factors in town and village growth, and also with a special fund and

borrowing powers if necessary for doing this work effectively to some extent on the lines of the powers and funds connected with the Irish Land Commission. Special powers for securing land for main roads, recreation grounds, sites for public buildings and workmen's dwellings, together with facilities to encourage the provision of small holdings, the promotion of agricultural co-operation and the improvement of transit, might be conferred on these central and local authorities. It was, therefore, essential to have improved facilities for compulsory purchase of land, which should be based upon the amount at which it was assessed for rates and taxes.

It was absolutely necessary that there should be cheaper money available for local bodies and societies of public utility with limited dividends, building on municipal land, while a revision of the bye-laws as to new streets and the structure of new buildings would facilitate cheaper and better buildings being erected. The various speakers who followed would deal in detail with some of the more important parts of the memorandum, but he would most earnestly urge that both urban and rural housing should be dealt with next session, and that the various proposals brought forward by the deputation might, so far as practicable, find a place in the promised Bill for codification and development of housing law.

#### THE CREATION OF GARDEN SUBURBS.

Mr. George Cadbury, in dealing with the creation of Garden Suburbs, said :—

It will be the work of generations to remedy the evils of the past, but we can at once prevent their extension. Tramways are now being constructed in all directions from our great centres of population, in some cases fed by lines of motor vehicles along side streets, and new districts are being opened out where the toilers in our cities and towns will bring up their families. Something must be done at once to protect the great centres of population from those whose aim it is to make money out of the land opened up regardless of the interests of the inhabitants.

Once cover this land with dismal, dreary rows of houses, it will be impossible to make a change in the future, and generations of children will be brought up in them without proper air space or playgrounds. Most cities on the Continent have wide streets planted with trees, which even without parks would give space for outdoor life. The houses are not more sanitary than our own, and yet, through having air and space, the inhabitants are physically superior.

I would suggest that in all our large centres of population building boards should be constituted, representing the town or city itself, and an area of from five to twenty miles round it, according to population, such boards to be constituted of representatives from city, town, urban, or rural district councils included in the area, according to population, so that no district should be unrepresented. The largest share in the representation would then belong to the crowded central areas,



which need protection most. It is almost impossible for the inhabitants of many of our large cities to reach districts where trees and flowers are to be seen within a reasonable distance, and therefore in this country there are millions of women and children who are seldom able to do so. Probably the general principle of securing air and space would be enforced by the Local Government Board, to whom plans would be submitted, thus securing a minimum throughout the kingdom.

The advantage of leaving details to building boards would be that progressive areas would not be prevented from going beyond this minimum. The German method is admirable of giving a municipality like that of Berlin control over the district, but it would be much more in accordance with English ideas for the districts covered to have representatives on the board in proportion to the population. In future, no suburb should be built without wide main streets, tree-planted and grass-covered footpaths on which the children could play, and narrower side streets, with at least 100 ft. between the houses, but with only a 16 ft. to 20 ft. macadamised road, which would lessen the cost of construction and ensure good gardens and wide footpaths, tree-planted on each side.

It is a matter of national importance that the physique of the people should be maintained in every district in England. Something must be done at once, and this plan would interfere very little with any vested interests, and would be supported by those of all parties who are interested in the welfare of future generations.

#### MR. HORSFALL ON TOWN PLANNING.

Mr. T. C. Horsfall, in advocating the giving of town planning powers to Local Authorities, said :—

Germany, Austria, Switzerland, the Scandinavian countries, Holland, and as far as I can learn, all civilised countries except our own and the United States, have given their municipal authorities the power to make extension plans for all land within the town boundaries, no matter to whom it belongs, the arrangements indicated in which all owners of the land and all builders on it are compelled to comply with. And in all foreign lists of the measures needed for the protection of the health, strength, and happiness of an urban population the town extension plan and the building regulations, which always accompany the plan, come first.

The plan indicates the direction and width of every street ; care is taken that some streets shall be pleasantly curved, that the new districts shall be beautiful as well as conveniently arranged and wholesome ; that a sufficient number of playgrounds, planted open spaces, tree-planted streets, sites for schools and other public buildings shall be provided. The plan and the building regulations together can create districts of different character, some for dwellings, some for manufactures, and, in the districts for dwellings, prevent the erection of long rows of monotonous houses, and the covering of too large a portion of each site with buildings.



Owing chiefly to our not having had extension plans there is now a state of things in Manchester and all our other large towns which is really appalling. That a great part of the population is losing its health and strength is shown by the figures respecting recruiting in Manchester. In the two years 1903-4 and 1904-5, of 18,555 men who offered to enlist 14,000 were rejected, and last year only 534 men could be accepted. Within three-quarters of a mile of our University Settlement we know of nearly 250 cripples. Drunkenness, insanity, unemployableness are very common. Family life has almost died out in large districts, because there are no places where parents and their children can spend time pleasantly together.

There is almost complete separation of classes, as well-to-do people will not live in ugly and unwholesome districts. Children grow up in ignorance of Nature and of all beautiful things, and do not know that full, healthy life is possible. Thousands of our most intelligent and energetic workpeople leave the central districts and seek homes in the suburbs, and there, for lack of a building plan, the same evils are befalling them. Yet our English experience proves that when a public park or small planted space is provided, that ensures that some well-to-do families will live near it, and there can be no doubt that if new districts were provided with plenty of playgrounds and planted spaces and tree-planted streets, our classes would be kept together, and there would be a great revival of family life. Two large conferences of representatives of municipal authorities, one held in Birmingham and the other in Manchester, have unanimously passed resolutions asking for power to make town extension plans.

Respecting the inspection of dwellings, the system has been introduced in Holland, Bavaria, Hessen, Saxony, the Rhine Province of Prussia, and is to be introduced throughout the rest of Prussia. Wherever it has been tried it is most useful. It is always found that a great majority of the defects which destroy the health of tenants, and especially of young children, are at once removed by landlord or tenant when they are pointed out by the inspectors. In only a very small proportion of the cases is it necessary to use legal compulsion.

#### BYE-LAWS AND INSPECTION.

The Bishop of Wakefield dealt with the question of Bye-Laws and Inspection. He said :—

While I think that our chief need is the need of more driving power behind existing Acts of Parliament in the way of awakened public opinion, yet I have no doubt that legislation is needed in some important particulars, and that we are more than ripe for it. Among these I should place measures facilitating the acquisition of land, the prevention of future slums, the encouragement of housing co-partnership associations, the removal of restrictive bye-laws (especially in country areas for small holdings), and more systematic house-to-house inspection in towns.

To take the last two points in particular. In country areas it should be made possible to erect much cheaper buildings for small holders. I have seen in Sweden plans for small but complete farm buildings, the cost of which ranged from about £180 to £400, towards which substantial loans on easy terms could be obtained by reliable persons, and which in appearance would not disgrace a model English estate. Something of the kind is surely needed in England.

In many towns we are in sore need of systematic house-to-house visitation. Local authorities, and still more those who elect them, are often ignorant of the real conditions of housing in their own areas. If such inspection were made compulsory, and the results made known, the public demand for better conditions of living for the poor would become irresistible. It would then be realised that bad housing is one of the most urgent of our social evils ; that it is one of the chief causes of much preventable crime and disease. I call special attention to the close connection of housing conditions with infant mortality. Recent operations in the Borough of Wakefield have shown that eight per cent. of the infantile mortality is directly traceable to damp houses. If we add the indirect result of bad housing on infantile mortality the percentage would probably be at least trebled. And behind the deaths of these helpless children is the depression in vitality and often lifelong injury caused by bad housing to those who survive. The unseen results probably far outstrip those which are seen.

#### THE ACQUISITION OF LAND.

Councillor Alfred Cattell, J.P.—Chairman of the Health Committee of the Sheffield Corporation—dealt with the desirability of giving Local Authorities greater powers of land acquisition. He said :—

Few, if any, of the large towns of this country have such lovely suburbs as those which surround Sheffield. Few, if any, have spent more money, and taken more trouble to improve the housing conditions of the working classes, so far as the limited means and powers at the disposal of the municipality would allow ; and yet we who have been engaged in this work are painfully aware that, in spite of this liberal expenditure of money and trouble, slums are fast being created, even in what were only a short time ago beautiful suburban areas ; our death rate is too high, and unhealthy conditions are far too prevalent.

Speaking on behalf of local authorities generally, I submit that we have done what we could, but it is absolutely essential, if we are to overtake and correct the present insanitary conditions, that we should have greater facilities, and improved methods of procedure in dealing with our suburban areas.

An instance of what I refer to has occurred recently in the experience of the Sheffield Authority. Under the powers granted to it by Part III. of the Housing Act, the Corporation purchased an estate on the outskirts of the city for the purposes



of this Act. We have on several occasions applied to the Local Government Board for sanction to the loan necessary to this purchase, but up to the present moment the Board has not seen its way to grant us the sanction we desire, in spite of repeated applications, and in spite also of the fact that we have behind us not only a unanimous council, but the strongly-expressed wish of the general public, and particularly of the working men of the city, as expressed by their trades council and kindred associations. We cannot think that Mr. Burns is personally unsympathetic; in fact, we feel that our aim and action in purchasing the estate are in accordance with his views. Nor do we suggest any fault on the part of the officials of his Department. The fault appears to be in the inelastic nature of the regulations under which the Department acts, and we feel that the Board should be given greater freedom to assist local authorities in the acquisition of land, and also that greater confidence should be reposed in the local authorities, who, after all, are the best qualified to judge of the needs of their own districts.

With a full knowledge of all that is entailed, and a somewhat extended experience of the working of the present Housing Acts, I heartily support proposals with reference to the granting of powers to local authorities to acquire cheap and suitable land in anticipation of its future use, when opportunity offers, and also for granting municipalities greater facilities and simpler procedure in dealing with lands in their suburban areas, and I am confident that it is only in the directions indicated that we can hope to effect those improvements in the unsatisfactory conditions existing in our large cities which to-day are appealing to us so loudly for reform.

#### EMPLOYERS OF LABOUR AND HOUSING REFORM.

The point of view of the employer of labour was thus stated by Mr. Harold Shawcross, of Rochdale :—

Why should not the owner of house property for the working classes be put on the same footing as owners of factories or as purveyors of food? As a factory owner myself, I am often struck by the different way the workman is looked after in the factory and in his home. We find coming round to our factories what seems to us a small army of inspectors of both sexes (though the workman complains that there are not enough of them), who come round to see that the workrooms are properly ventilated, that only a certain number of people may work in each room, and that sanitary matters are properly attended to. When the workman leaves the factory he goes often to some miserable dwelling in a slum, where in most towns no one takes the slightest care as to how he lives. He may live in a back-to-back house, with damp streaming down the walls, with drains out of order and dangerous to his health, and with horrible smells, but he has to put up with these things, for too often there is nowhere for him to go, and if he made any complaint he would be turned out.



Now, I ask, why should he not be equally protected in his home as in his factory ? The factory laws were passed for his protection while at work, where he is far more able to protect himself, seeing that in nine cases out of ten he is a member of a powerful trade union, which can often dictate the conditions under which he shall work. Now, he is no more free to live where he likes than he is to work where he likes, and I see no reason why a man who gets his living by letting house property should not be treated like a factory owner. Surely the dictum that property has its duties as well as its rights should apply to owners of houses as well as owners of land, and if for no other reason cannot we do this in the interests of the children. A bad landlord should be put on the same footing as a purveyor of diseased meat.

Now surely, in the conditions under which a workman lives that supply of fresh air and sunshine for his home, and the keeping of the sanitary arrangements properly, are of as much importance to his health as what he puts into his stomach, and where deleterious matter introduced into the latter may slay its units, the former will kill its thousands. Now it is almost impossible to get the inspectors appointed by local authorities to carry out their duty in inspecting house property. Circumstances are too strong for them in our towns, and only a man of exceptional force of character can over-ride his usual reactionary committees and hold his own against irate property owners. Therefore, a number of inspectors appointed by Government direct would have a surprising effect.

If they were only there, as it were, in the background, to inquire into complaints made by bodies of ratepayers or by housing reform councils, the fear of their possible action would be very powerful in getting reactionary councils to move.

#### RURAL HOUSING REFORM.

A strong appeal for attention to Rural Housing conditions was made by Miss Constance Cochrane, of the Rural Housing and Sanitation Association. She said :—

There is a great need for a Housing and Health Department of the Local Government Board (or otherwise) to deal with matters of housing, water supply, and drainage, and if such a Department should be established some of its members should be practical men, who are thoroughly familiar with the conditions of rural districts.

Another matter of importance is that when local (sanitary) authorities have conspicuously failed to carry out their duties, the Local Government Board should have power to enforce compliance with the Public Health Acts. At the present time the recommendations of the Board's medical inspectors are frequently ignored after inspections have been made, in consequence of widespread insanitation and disease.

Inspection needs to be very much more thorough than it is now, and it should be undertaken by persons in an independent position. At present many sanitary authorities make it understood that their inspectors of nuisances are not to see more than they can help of what is wrong.

The possibility of obtaining suitable small holdings is another urgent village need, if the people are to be encouraged to remain in the country ; but it will be of no avail to place a man alone on a holding if he is to succeed. He must have at the back of him a reserve fund and co-operation to help him in times of difficulty and need.

No cottage in a purely rural district should be built with less than a quarter of an acre of garden ; otherwise, if there are no drains, the surroundings become very unhealthy. On a quarter of an acre of land everything from the house can be satisfactorily disposed of without the necessity for drains, which are both costly and apt to be constantly out of order.

Areas should be much wider than at present, both for administration and cost. Under existing conditions, a small rural district is often quite unable to bear the expense of a scheme of housing or water supply, however great the need may be, and the principle that the rich should help the poor is already admitted in much of our internal government.

#### THE APPOINTMENT OF GOVERNMENT INSPECTORS.

The need for the appointment of Government Inspectors was thus stated by Alderman Curle—Secretary of the Federation of Trades Councils for West and South-West England :—

I desire to emphasise what has been said with regard to the Government appointing inspectors to visit districts with high death rates, and to report on the conditions under which the working people are housed in such areas. Some local authorities neglect very largely the duties cast upon them under the present Health and Housing Acts, and require the stimulus to move which an investigation by a Government inspector would give.

I would further say that if an authority continued to neglect its duties to carry out necessary housing improvements after being reported on, the Government, in my opinion, should step in and do the work, charging the cost to the authority concerned. The necessity for such action on the part of the Government is probably required more in country districts, as some county councils practically pay no attention to the powers they possess for better housing for the labouring classes.

We must hasten the time for removing the misery and degradation due to bad housing, and this can only be done by more stringent efforts on the part of the Government.



## THE REVISION OF BYE-LAWS.

The case for the revision of Bye-laws was stated by Canon Moore Ede (now the Dean of Worcester) as follows :—

I have been requested to refer to the revision of bye-laws. This, though the last of the subjects mentioned in our memorandum, is not least in importance, and can be more easily accomplished than some of the other reforms which we urge. What we ask for is greater elasticity in the bye-laws, not such an elasticity as will enable the jerry builder to crowd more houses and worse houses on a given area. Limit as much as you think wise the number of houses of a given size on an area, and substitute regulations as to the air-space between houses instead of stipulations about road-space.

The majority of the existing bye-laws are framed on the supposition that all future building extensions will be laid out on the same lines as the existing streets, and any departure from the normal type is rendered impossible, in consequence of the regulations about paved streets. The cost of forty feet of road paved with granite setts in front, and another of sixteen feet to twenty feet at the back, is so great that in the interests of economy it is necessary to reduce the frontage of each house to the lowest possible minimum, and thus crowd the houses in rows. No other policy is remunerative financially ; thus the existing bye-laws have the effect of stereotyping the worst methods of house building.

We ask that the bye-laws may be remodelled, so as to give such elasticity as will, without lowering the standard of house building or sanitary requirements, encourage variety in planning of areas and of houses, and greater choice in the materials employed.

## THE CLOSING AND DEMOLITION OF UNHEALTHY DWELLINGS.

Councillor F. Askew—Chairman of the Hull Corporation Sanitary Committee—referred to the need for the amendment of the procedure as to the closing and demolition of unhealthy dwellings. He urged that local authorities should be empowered to make a closing order, which should be allowed to take full effect unless it were appealed against to the local magistrates within fourteen days. Such a power as this was already possessed, he believed, by the Borough of Darlington under a private Act, and it would be a great advantage if other local authorities could have the same power under the general law, since the present procedure was tedious in its circumlocution. So far as concerned the city of Hull, of which he (the speaker) was a representative, the corporation had done a great deal under the present difficult law, having closed some 700 unhealthy dwellings without compensation. At the same time, it would be of great assistance to authorities if the procedure were altered as he ventured to suggest.



## THE NEED FOR CHECKING "JERRY PLANNING."

The case for the Deputation was closed by the Secretary, who pointed out that the members of the deputation were convinced that both the Premier and the President of the Local Government Board were heartily in sympathy with those housing reformers throughout the country who were fighting a "Battle against the Slum," and would send them a message encouraging them in their work. There might be difference in regard to detailed suggestions, but in the work to secure a housing reform men of all parties and all creeds could unite. There might well be a "Truce of God" on this question between them all.

He desired to state very clearly, on behalf of the deputation, that they were not all agreed on all the points contained in the memorandum. The memorandum could, however, be regarded as the "greatest common measure" of suggested housing reforms.

With regard to the scope of the subject, the deputation recognised that a trinity of action was needed. The Central Department should take more vigorous action to compel the proper exercise of local powers. The local authorities should use their powers more effectually. Acting on behalf of the National Housing Reform Council, he had called at least thirty conferences during the past few years to urge local authorities to act. The education of the individual citizen was also needed. It had been said that the slum dweller made the slum. For himself, he realised more and more every day that the slum dweller was much better than the slum in which he lived. He believed, more and more every year he lived, in the essential goodness of the English people. They needed more "room to live well."

Amongst the many points he wished to particularly emphasise the need for putting an end to "jerry planning." "Jerry building" had been arrested wherever the Building Bye-laws were administered, but "jerry planning" continued in many parts of the country.

In conclusion he referred to the sending of another Deputation, not to the Prime Minister and the President of the Local Government Board, but to the Urban Council of the small Lancashire town of Longridge, near Preston. It consisted of three school children, and these presented a petition, signed by 300 children, asking for a playground, on the ground that the only place in which they had to play was the street, and if they played there "the policeman was after them." The deputation desired to secure for the children of the country happier and healthier surroundings.

## THE REPLY OF THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD.

Mr. John Burns—the President of the Local Government Board—in reply, said that the Government were much indebted to the practical reformers who formed the deputation for coming forward to give their views on the housing problem.

If they looked at the matter from the point of view of ideal aims, the attitude of the Government might be expressed in the beautiful words of Robert Burns, who was one of the first housing reformers :—

“To mak’ a happy fireside clime  
For weans and wife—  
That’s the true pathos and sublime  
Of human life.”

The time for sentimental claims for housing reform had almost gone by, and the moment for practical ameliorative achievement was nearer at hand than it was some years ago.

Those of the deputation who were inclined to take too grey and too pessimistic an outlook should remember that things were now infinitely better than they were even five or ten years ago. When they realised that to-day cheap, easy, and popular, and, he might add, relatively noiseless tramways carried more people than the railways did, they could see what an important auxiliary the new trams had been to the solution of the housing problem, and to the planning of estates by both private and municipal bodies, giving more suitable accommodation to the poor and to the working classes. Much was also due to the increased care and consideration of architects of all grades in providing more suitable and economically-constructed dwellings. Then there was also the sympathy on behalf of housing reform both in the House of Commons and with Ministers and Government Departments, which necessarily reflected the great improvement there had been in public opinion, in the Press, and elsewhere on this subject. He advised the deputation not to take too pessimistic a view either in their objective or in their mode of securing it.

He thought that if they would get the local authorities to enforce the Public Health Act and to carry out their obligations it would be more efficacious than even coming to the Prime Minister and himself. There was no doubt a great deal of apathy on the part of public bodies. Mr. Cadbury had told them that it would take several generations to deal effectively with this problem, and he contrasted the efforts of Continental countries adversely to ourselves. He himself had been to the Continent to look at this and kindred problems, and he did not quite agree with the optimistic views as to the action taken by Continental countries. The Continental cities were often in appearance tidier, but not cleaner, than similar cities in this country. They were more orderly, but not more comfortable ; and on the Continent, where centralised government existed, there was a disposition, incompatible with English views of liberty and freedom, to put in the back street many evidences of poverty and untidiness that he was glad to say we still allowed to obtrude themselves in this country. We did not believe that every other man who was not a sanitary inspector or a policeman should be a fireman, and as this was still a free country the desire for liberty remained, and from the point of view



of the independence of the people considerable benefit was conferred which he would not like to lose. It seemed to him that if they had a hundred Cadburys and Horsfalls and Thompsons, and Aldridges, judiciously distributed about the country, each concentrated on some particular area to stimulate public authorities, it would be more effective than interviewing Sir Henry and himself.

The Bishop of Wakefield had told them that more driving power was wanted at the centre, but he thought it should be more at the circumference. Well, the Local Government Board was applying more driving power, and at this moment there were a hundred inquiries being conducted all over the country with reference to the public health and housing activities. There was now a very efficient housing branch of the Local Government Board, and although there might be some difference of opinion as to methods, there was every sympathy in his department with the objects of the deputation. If they could persuade the Chancellor of the Exchequer to permit a development of that branch, as opportunity presented, he was not indisposed to accept and encourage such a practical suggestion.

Coming to the practical points, the first question the deputation dealt with was house-to-house inspection. On that a great deal could be done if the local authorities were willing to do their duty. But if they allowed nuisances to go on it seemed to be rather far-fetched to appeal always to the centralised State to rectify local shortcomings. The effect of that would be to sterilise initiative in the local authority, and ultimately to make the Local Government Board the authority for doing that which could be better done by stimulating local authorities who were, or should be, more conversant with the local details. With regard to overcrowding, the deputation asked that there should be a minimum standard of air space for living and sleeping rooms. It was possible, of course, to institute a minimum standard, but without universal right of entry they would not be able to get over the trouble. The deputation next asked for powers of entry. That was a very serious demand. There were already powers of entry, specially in large urban centres, for the inspection of model lodging-houses, in the sanitary condition of which there had been a revolution during the last ten years. He gathered from one of the deputation that they wished some standard of continuous inspection, and the right of entry to private houses such as were given for lodging-houses, factories, and workshops. Well, the House of Commons, he thought rightly, was jealous of a universal right of entry being arbitrarily exercised, even though it were in the interest of public health. In that regard the revolutionary change in the drinking habits of the people provided one of the best remedies that they could hope for. Their next point was the closing and demolition of unhealthy dwellings. Even now local authorities had very strong powers. He admitted the unwillingness of the local authorities to exercise to the full the powers they possessed, but he must urge upon the deputation that much could be done by their trying to stimulate local authorities in this direction.



Another question submitted by the deputation was the acquisition of land. He admitted that this was indirectly connected with housing, but it was rather a broad general question, a public land policy which the House of Commons and the Government as a whole was considering, and would more closely have to consider in the immediate future ; and, in so far as the acquisition of land by local authorities could be made more easily and more cheaply, the Government would do what was reasonable and yet practicable within the means and opportunity at their hand.

The next point was town extension and village development. It had been suggested that this would be best done by a new Commission. He might say that as a rule he did not believe in *ad hoc* authorities as they now existed for any purposes, and he was positively convinced that the addition of a new department, instead of working smoothly as the deputation thought, might probably lead to the creation of obstacles. They could not compare a centralised Government like Germany with countries like England, with a highly developed form of local government. We had 26,000 local government authorities, great and small, in this country, each of them properly jealous of their own powers, privileges, rights, and duties, and it would be difficult to reconcile these existing powers of this enormous number of local authorities. In his judgment, it would be in the interest of public health, and the carrying out of sanitary duties would be more efficiently done, if these authorities were considerably diminished. If it were possible for the Government to assist town extension planning and town development—well, for a place like London they would want something more than a new Commission, which would get into collision with the local authorities.

Then some one else suggested that we should have cheap money. Well, they must go to the Chancellor of the Exchequer for that, and he did not think the Prime Minister or the local Government Board would raise any objection to it. He might say that this subject was now before Sir John Dickson-Poynder's Committee on Mr. Mackarness's Bill, and they were taking evidence from the Public Works Loan Commissioners and the Treasury, and this would be, he trusted, in the direction the deputation desired.

The question had been raised about cheaper buildings. Well, they could not ask for cheaper buildings, and in the next breath, for the building bye-laws to be seriously revised. The Local Government Board had done something both in urban and rural districts for the revision of bye-laws, and if more stringent sanitary conditions were to be imposed, houses would not be cheaper, but considerably dearer. He might say that when Mr. Mackarness's Bill came from the Select Committee they trusted that there might soon be an opportunity of passing it into law. With regard to the question of elasticity in road space and air, Mr. Vivian's private Bill embodied several of those practical and useful views of the deputation, and he hoped it would

soon be converted into an Act of Parliament. In fact, Lord Hylton's Bill and Mr. Mackarness's Bill covered two-thirds of the practical and immediate points that had been submitted by the deputation.

In reference to their suggestion that four or five householders should be able to move the local authority in the direction of providing dwellings, he might remind them that there were symptoms that the ratepayer was hardening somewhat against any further increase either of rates or taxes, and even, if every householder had the power to require the local authority to erect workmen's dwellings, it would be very difficult to do anything against apathetic authorities. He thought the time had arrived when, perhaps, the county council, which ought to be a greater and more effective sanitary and housing authority than it now was, should be entrusted with default powers, so that in the event of the parish, the rural or the urban district council not doing its work, perhaps then the county council ought to be able to intervene. But that presupposed a more sympathetic county council than the average county council that now existed, and the Local Government Board would want a peripatetic army of inspectors to get such councils to do their duty. It meant more money and more inspectors, and they would go as far as possible in that direction and consider what the deputation had said.

In their memorandum they asked for three acres and a cottage. While sympathising with that idea, he might say that almost immediate relief ought to be given to the large urban centres where over 40 or 50, and, in some cases, 80 houses were put upon one or two acres, and he thought they should bend their energies to dealing with the worst case first. To sum up, he believed that if the deputation did everything in their power to stimulate local authorities to do their duty, nine-tenths of that which they asked a centralised department to undertake would be accomplished.

The Government, said Mr. Burns in conclusion, had in their attitude to various Bills on the question given an earnest of their desire to help the cause of housing reform in one of the most over-worked sessions than any Government had had. Next year they would see what could be done on the broad and general lines that had been indicated by the deputation. He promised personally to give close, undivided, and practical attention to all the points that had been raised.

#### THE PROMISE OF NEW LEGISLATION.

The Prime Minister (Sir Henry Campbell-Bannerman) then said :—

You have heard the clear and emphatic utterance by my colleague, who has a knowledge and authority upon this subject that I cannot pretend to share—I mean direct authority—because, although it may be true that I have some authority over him, yet some of that authority is exercised through him. One thing has



struck me with our interview is the importance of this deputation. I think we may almost hope that this may be a critical moment concerning the history of the great subject with which you have been dealing. I do not mean because you have come here to see the Prime Minister or to hear what the President of the Local Government Board has to say, but because you come to express to us in clear terms what has been properly spoken of as perhaps the greatest common measure of agreement in the opinion of well-meaning and well-intentioned men on this subject throughout the country. I recognise the fulness and fairness and reasonableness of the proposals you make. We have been told, as not infrequently happens in such cases, that you may not all be entirely agreed upon all the points set forth in your printed memorandum, but in the main you are agreed, and you have done a great service to your country and also to the Government by coming here to-day and telling us so clearly what are your wishes.

This is, of course, a very complicated subject. It is upon almost every point a balance between two extremes. Take the question of the power of acquiring land. There are some schemes which would seem to imply that you must seek to almost municipalise the land of the country—that a great municipality should have the power of stretching out its hand and putting its finger on a certain district on the map and saying, “We want that for our purpose.” That is one extreme. Another extreme is the view that no big town or public body is to be allowed to say that it wants to acquire land unless it can at once specify in the form of definite plan the immediate purpose for which it needs the land. In dealing with two such extremes we have to arrive at what may be called the *via media*, which is supposed to be a statesmanlike policy. I am not sure that it always is so, but I think it is in this instance.

Again, it is said, “Let the building bye-laws be made elastic.” On the other hand, if they are to be useful they must be strict, and some people insist, with good reason, that they should be made more strict. In that instance also we have to try to arrive at a midway between two extremes. Again, it is said that houses should be cheaper than they are, but at the same time they must be better and more in accordance with sanitary requirements. That, however, makes them dearer. There again you have to find the midway. And so it is with regard to the question of the relations between the local authorities and the central authorities. Surely in this country we are not going to run into the dreadful mistake of centralising authority that some of our neighbours have done. I hope we shall maintain the natural energy and independence of our local authorities. At the same time there is occasionally some necessity for an impetus being given from headquarters to those local authorities where there is slackness. The only way to reconcile these conflicting views is to endeavour to arrive at the greatest common measure of agreement so far as regards both practical advantage and the support of public opinion. My



friend Mr. Burns is not only full of energy and knowledge, but he brings to his department a certain freshness and almost picturesqueness of view which is of great advantage, and without desiring to detract in the least from his distinguished predecessors, I may say that I do not believe you could be in better hands than in his. The Government are fully aware of the vast importance of this question.

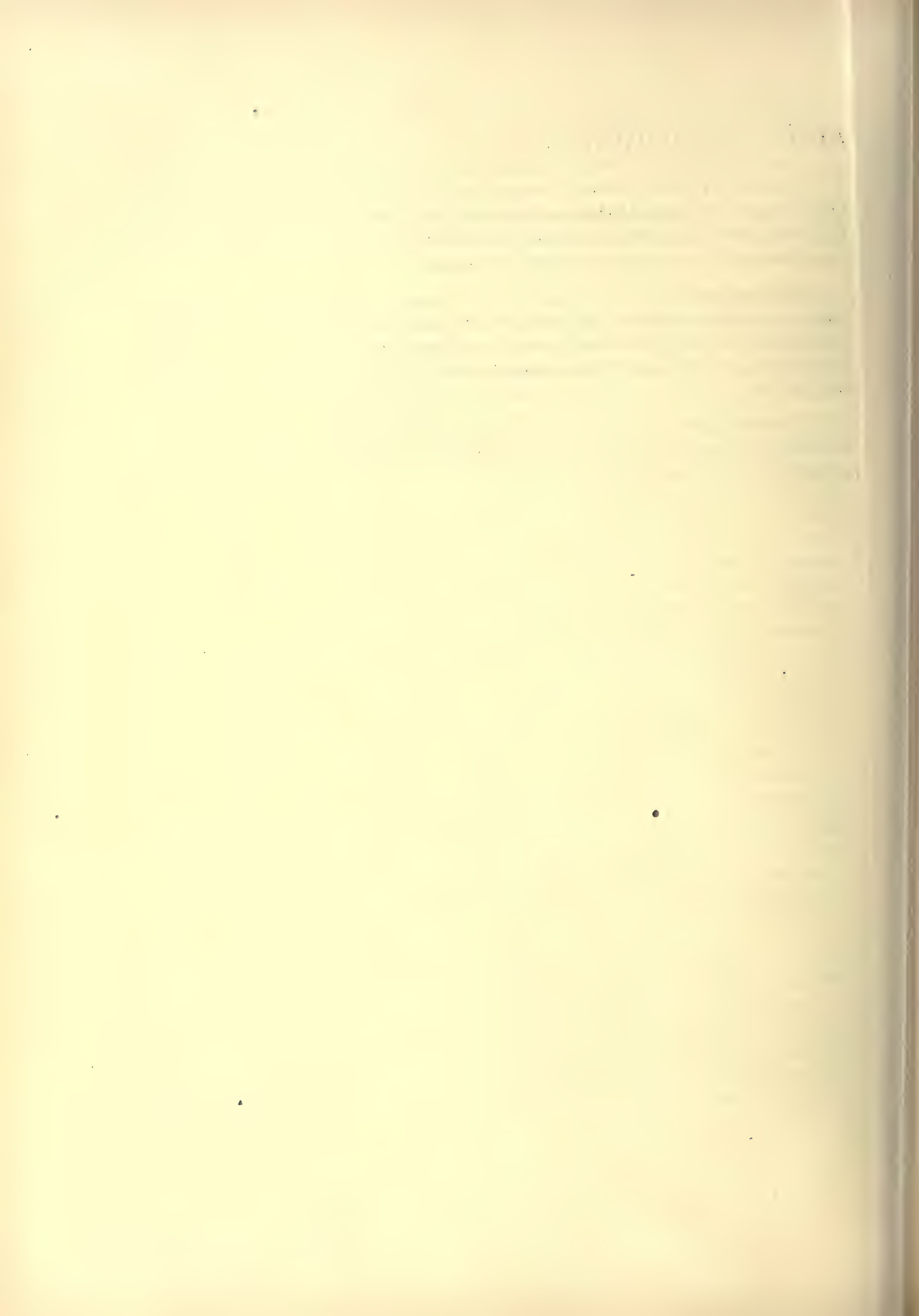
The first speaker, Mr. Thompson, who has been so much identified with the subject, enumerated the different evils which arise from the present state of things. Now although our hands are not exactly empty, and although we are not casting about for a job to do, still I hope we may find time within a very few months to do something at least towards carrying out the object you have in view. Neither Mr. Burns nor myself have the power or will at this moment to make any more definite promise, but I can assure you of the earnest determination of the Government to do something to mitigate the great evils to which you have called attention, not only in the interests of public health and of the comfort of the general community, but also of their moral and spiritual welfare. I was struck with the remark made by one of the speakers as to the contrast between the care we take of the health of a workman when he is in a factory and our neglect of him when he goes to his home, if it is really a home. I think that consideration should be impressed upon the public mind, and I am not sure that a man would not be better who had a good healthy home, even if he had to submit to worse conditions for part of the day in a factory, than if you reversed the process and secured the best sanitary conditions in the factory whilst leaving him to live and sleep under unhealthy conditions in his home. I can assure the deputation that in their appeal they are beating at an open door, because we have all one mind in this matter. There is no question of politics on this subject. Even if there was, I do not suggest that it would be any great harm. One side may have a prejudice in one direction and the other side in some other direction, perhaps with regard to details and methods, but I think all would be alike in the eagerness of a desire to accomplish something for the benefit of our country in the ways you point out. You may therefore safely leave it to the House of Commons—especially to the present House of Commons, which is very earnest in these matters—and to the Government, because we entirely agree with you in the general views you have expressed.

In moving a vote of thanks to the Prime Minister and the President of the Local Government Board, Councillor T. Shaw—of the Health Committee of the Sheffield City Council—said that it gave him especial pleasure to do so since he thus had an opportunity of expressing his high esteem for his old colleague in trade union work, the President of the Local Government Board. He felt that the high honour conferred upon Mr. Burns was well deserved, and he felt sure that Mr. Burns would endeavour to do a real service to the nation in this matter of housing reform.

Miss Sybella Gurney—Hon. Secretary of the Co-partnership Tenants Housing Council—said : I am glad to have the opportunity of seconding the vote of thanks to the Prime Minister and Mr. Burns for the very great kindness and sympathy they have shown in their reception of the deputation.

Speaking for myself, no one can be more anxious than I am to see the housing policy which the deputation has put forward carried through in its entirety, and I would, on behalf of my Council, specially emphasise, if I may, the great good that may be done by the more effective co-ordination of public authorities with housing societies of public utility on the lines now developing so successfully in Germany.

I most earnestly trust and believe that the sympathy with which we have been received is an earnest of a great work that will be put into practice and carried through by the Government next session.





## PART II.

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### INTRODUCTORY CHAPTER.

**I**N Part I. of this book the case for Town Planning has been dealt with from the historical point of view.

The present Part (II.) has been written in response to a demand that :

(a) The powers and duties of the Act should be explained in a clear, simple and concise way ; and

(b) That the work to be accomplished in the various stages of actual Town Planning administration should be described in close detail ;

so that as a result members and officers of Local Authorities may be able, with this book in their hands, to enter with confidence on the task of preparing Town Planning Schemes.

In order to respond adequately to this demand it has been found desirable to describe in detail the powers and duties of Local Authorities in Great Britain no less than three times.

In Chapter I. the scope and character of the powers and duties of Local Authorities are dealt with in a general way.

In Chapter II. the procedure in the various stages of the preparation of an actual scheme are exhaustively considered.

In the Appendix to Part II. the scheme of the Ruislip-Northwood Urban District Council is closely analysed and the various clauses explained.

The adoption of this method of treatment has involved, necessarily, a large measure of repetition. But the powers and duties of the Act are new and difficult to understand and it is believed that those for whose use this book has been prepared will regard repetition in this special case as a good feature—more especially as it has been deliberately adopted with a view to rendering the book of greater service to them.

Following on the analysis of the powers and duties of the Act given in Chapters I. and II., an endeavour is made in Chapter III. to state certain fundamental principles of Town Planning administration so clearly that the busy man—who already gives a great amount of valuable time to the service of his fellow citizens as a member of a Local Authority—will be able to understand and appreciate the value in use of this new legislation without necessarily giving close study to the technicalities of Town Planning work.

Following on this several points of a special character are discussed, including :

The desirability of Town Planning from the point of view of the landowner and land developer.

The cost of Land Development under Town Planning Schemes.

The cost of Building under Town Planning Schemes.

The Provision of Cottages for workmen in areas which have been made the subject of Town Planning Schemes.

The growth of the Garden Suburb Movement, and of Public Utility or Co-partnership Societies.

The effect of Town Planning on Housing Finance.

Future Housing Developments with especial reference to Municipal Action in regard to the development of Estates and the Building of Houses by Municipalities, Public Utility Societies and Private Enterprise.

The case for obligatory Town Planning in Urban and Rural Areas.

## CHAPTER I.

THE GENERAL SCOPE AND CHARACTER OF THE TOWN  
PLANNING POWERS AND DUTIES OF LOCAL AUTHORITIES  
IN GREAT BRITAIN.

**T**HE work of explaining in general terms the powers and duties of the Act has been admirably performed by a Joint Committee of three Lancashire District Councils—for the Urban areas of Chadderton, Royton, and Crompton respectively—and their report is written in such clear and simple English, and summarises so well the various points of Town Planning action, that extracts are given here by permission of the three Councils above-named.

Dealing first with the inadequacy of the present powers, they say :—

“ The powers now possessed by Local Authorities in regard to the laying out of towns are extremely limited—especially as regards the future development of a town.

“ Bye-laws give no power whereby streets can be laid out in the most convenient direction, or at most suitable gradients, for facility of communication between different localities, except under conditions difficult to apply. Landowners can each lay out their land to suit their own interest, irrespective of the public convenience, and without considering the effect on adjacent lands. Builders can develop small areas of land as they like, provided they comply with the Local Bye-laws. They can crowd houses up to 40 or 50 per acre. The unscrupulous builder can erect houses of the commonest and cheapest character amongst the best residential property, and thus greatly depreciate the neighbourhood. The minimum width of streets set forth in the Bye-laws is all that can be required, and in practice becomes the universal rule. It is impossible under the Bye-laws to plan ahead and save street widenings. This ultimately involves practically every Local Authority in great expense for future improvements, and the saving on this alone will doubtless compensate many times over for the cost of Town Planning.”

The Report then deals with the scope of a Town Planning Scheme :—

“ A Town Planning Scheme enables the future growth of the Town to proceed on lines carefully thought out beforehand, providing adequately for future traffic requirements, together with the most convenient lines of communication, thus avoiding future costly widenings. It will ensure the reasonable limitation of houses per acre, the prevention of slums, and the suitable provision of open spaces, in this way securing more healthy conditions and giving greater facility for the development by owners of various parts of the area. In a sentence it means development on public welfare lines as against the present aimless methods, under which one owner lays out a street which another owner ignores and blocks when it does not coincide with what he may conceive to be the welfare of his own estate.



"Town Planning Schemes will lead to a great deal of give-and-take between landowners, who will probably find that the development of their land will be thus more speedily brought about.

"It has been proved that a fairly large landowner who develops his estate at 15 to 20 houses per acre can do so much more profitably to himself than upon the old methods of 40 to 50 per acre, this being brought about by the larger area utilised, and the consequent greater rapidity of development. From the health point of view the advantage of such increased air space about dwellings is a most striking feature of town development.

"Powers to limit the provision of Shops, Factories, or Offensive Trades to particular areas, may be included in a Scheme, but in Districts of an industrial character such powers will need to be defined with great care, and only after thorough consideration and in full co-operation with landowners.

"Town Planning does not mean constructing a large number of new roads at great expense to the rates. It *does mean* the preparation of a map by the Local Authority, on which the lines and widths of the future principal streets or arterial roads are to be shewn. These roads will as a rule, *when constructed*, be done wholly at the expense of frontagers, except where for special reasons, such as excessive width, urgency, &c., it may be found desirable to agree otherwise with landowners."

Dealing with the power to relax bye-laws relative to the construction of streets, the report continues :—

"Under Town Planning powers non-traffic streets may be constructed in a much cheaper manner than under existing Bye-laws, and, for the gain in this and other directions, landowners will probably be quite willing to meet the Authority reasonably as regards the wider traffic thoroughfares.

"Very great saving can be effected in the development of estates by minimising the streetage costs, and by the abolition of back passages, which are objectionable, costly, and useless, when side access is provided. The relaxation of Bye-law requirements under a Town Planning Scheme enables this to be done by allowing non-traffic streets to be fairly narrow, whilst ensuring a greater width between the buildings on opposite sides of a street. The land thus reserved may be devoted to gardens instead of expensive streetage work.

"A valuable power is that of defining the building line. Although the present widening of a road may not be necessary, if the scheme defines a building line well set back, any future widening becomes a much cheaper and simpler matter because no buildings would require purchasing and demolishing."

The question of the limitation of the number of houses per acre is dealt with as follows :—

"Perhaps the most valuable power obtainable under a Town Planning Scheme is that enabling the Authority to limit the number of houses per acre. It is unnecessary to enlarge on the evils of the present system, under which almost every available inch of land is utilised to erect from 40 to 50 houses on an acre, with back yards and streets reduced to the minimum and little regard to the benefits of light, air, or amenity.

"The Local Government Board have prescribed no limits, but are willing to consider the suggestions of the Authority presenting a Scheme. The number prescribed may vary for different areas in the same District. Schemes already presented to the Local Government Board vary greatly. At Ruislip-Northwood from 4 to 12 is allowed in different parts

of the area, with 20 as the maximum on any one acre. Other schemes vary from 10 to 18 per acre. This is a power which will require to be very carefully exercised, and of course the views of landowners will need to receive the fullest consideration in regard to it."

With this by way of a preface it will be of service to deal now in close detail with various points relating to the scope and character of a Town Planning Scheme.

### THE SCOPE OF A TOWN PLANNING SCHEME.

The scope of a Town Planning Scheme, *i.e.*, the extent of the land to be comprised in a scheme—may thus be described :—

A Town Planning Scheme may be prepared by a Local Authority for any land at present not built upon and which is likely to be used for building purposes. The actual words used in the Act (Section 54 (1) ) are as follows :—

"A Town Planning Scheme may be made in accordance with the provisions of this part of this Act as respects any land which is in course of development or appears likely to be used for building purposes."

It is not necessary to prove that the land is likely to pass from agricultural to building use within a short period of time. It may be that the prospects of this transition from agricultural use to building use are comparatively remote, but if the Local Authority can shew a case for the safeguarding of the land by placing it under Town Planning care, the Local Government Board will—judging from the precedents already set—consent to its inclusion in the scheme. For example part of the land included in the Ruislip-Northwood Town Planning Scheme is now used as the reservoir for a canal, but, despite the fact that it is at present covered with water, it has been included in the Scheme, and the limitation which has been placed as to the number of houses which may be built on this section of the Ruislip-Northwood Town Planning area applies also to the land at present thus covered with water.

It is necessary to realise that Town Planning Schemes cannot be prepared for those areas which are already built upon. Where, however, it can be shewn :—

(a) That the inclusion of areas which have already been built upon is necessary to secure the better planning of adjacent, unbuilt-on areas ; or

(b) Where, as in the case of old mansions standing in large grounds, there is a danger that the amenity of the district may be spoiled by covering the site when cleared with small houses closely packed on the land ; or

(c) Where it is essential to the success of road schemes on the borders of towns that land partly built on shall be included ;

then a Town Planning Scheme may include land already built upon, in accordance with the following Sub-Section of the Act (54 (3) ) :—

(3) Where it is made to appear to the Local Government Board that a piece of land already built upon, or a piece of land not likely to be used for building purposes, is so situated with respect to any land likely to be used for building purposes that it ought to



be included in any Town Planning scheme made with respect to the last-mentioned land, the Board may authorise the preparation or adoption of a scheme including such piece of land as aforesaid, and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

It is not essential that the land which is to be made the subject of a Town Planning Scheme shall all be within the area of one Local Authority, and it is interesting to note that following on the first enquiry under the Act a precedent was set by the Local Government Board in giving power to a Local Authority to include in its Town Planning Scheme land outside its boundaries and even in an adjoining county.

The power of the Local Authority in question—the Ruislip-Northwood Urban District Council—to thus include land was challenged in very clear terms by representatives of the adjoining Rural Local Authority and of the County Council, and in view of the importance of the point, the arguments urged by these representatives are here given, by permission, from the Report appearing in the “Middlesex and Buckinghamshire Advertiser” :—

“Mr. Sworder, solicitor for the Watford Rural District Council, protested against the inclusion of the piece of Watford Rural District lying at the extreme north of Northwood. He could see no reason for the inclusion. It was suggested that it should be included in order to provide for the roads running out in that direction, but, he urged, one of those roads was already in the course of construction, while the other roads required did not provide any difficulty. The only other reason adduced was on the ground of general amenity. That reason might equally well be put forward with regard to land which was not part of the scheme. There was land on the west side which was not included, and the witness for the Northwood Council frankly admitted that he could give no reason why that was not in the Scheme, and he had very little reason for including that which was within the Scheme. With regard to sewerage the land it was admitted that they would have to have a pumping engine to take the sewerage into the area of the Council. The Watford Council opposed generally on the grounds of it being inconvenient to have two authorities with rights in one area, and that the land at present was not built upon.

“The Inspector said the scope of the Act embraced land suitable for building.

“Mr. Sworder said at present there was only one building on the piece of land. If the land had to be developed his Council would be prepared to consider a scheme, and would much prefer to be the authority to have control over this land, and to prepare a scheme for it and for the land adjoining, which, admittedly, was also likely to be developed in the near future.

“The Inspector : You won't give an undertaking on behalf of your Council to prepare a Scheme ?

“Mr Sworder said he could not do that, but he would state that they had generally considered the question of a Town Planning Scheme for the district, and the surveyor had actually prepared a plan showing this land and some adjoining land which might very possibly in the near future be developed. If a scheme were necessary they felt all the land should be dealt with as one area, but they were of opinion that it was not a matter of



immediate necessity. The question of town planning was still in a rather experimental stage, and his Council would prefer to have before them some more information on the subject—perhaps they would learn a little from the mistakes of other authorities.

" He called no evidence.

" Mr. Lailey, for Herts County Council, first referred to his right to be heard. He submitted that correspondence, with Mr. Abbott, in which the latter stated that a scheme was in the course of preparation, and that notice of its deposit would be served on the Herts County Council, showed that they (the County Council) had a standing. He was not appearing, he went on, in a spirit of hostility to this scheme as a whole; on the contrary they regarded it as an interesting experiment. But they objected strongly to the proposal to extend the scheme beyond the boundaries of the urban district into the neighbouring county. Their view was that the overlapping of a portion of land under a town-planning scheme into two counties was in every sense undesirable; and ought to be avoided unless some real and pressing necessity for it arose. The circumstances of this case, however, led him to submit that there was no such necessity. At the risk of repeating what Mr. Sworder said, he would state that there was no reason for wandering over the border into Hertfordshire. It was all very well to talk about amenities in a general way, but he could not see that they would be helped by extending into another county. There had to be a limit, an outside edge, somewhere, and he contended that the natural limit was the county boundary, and it required very special circumstances to justify a departure from that ordinary rule. In this connection he might remind the Inspector that the Local Government Board Act of 1894 stated that the county boundary should be what they might call the controlling boundary for all public health and local government purposes. Express provision was made in that Act that not only each rural district but each parish should lie wholly within the county of which it was a part, and where necessary, for that end, the boundaries to be rectified by order of the County Council. Such an arrangement was obviously convenient, preventing as it did overlapping jurisdiction. The effect of the proposal in this scheme was to go back on that provision with respect to 60 acres of land in Watford rural district—to set up in effect a separate authority in dealing with such matters as building regulations, sewerage, and water supply. The County Council desired to support the Local Authority in Hertfordshire in their objection to this. This was a piece of land with only one house upon it, and it did not lie in such a position as to impose a severance between one portion of the urban district of Northwood and another portion. Had that been the case, he agreed, notwithstanding their objection, it might have provided a special case. So far from that this was a piece entirely detached from the main area of the Scheme, and outside the natural county boundary; and the Scheme would be perfectly self-contained and unimpaired even if this piece were excluded. He would draw attention also to the portions of land lying to the south, east and west of the piece, which were not included in the Scheme, and were excluded for no more reason than was the included piece, included. There was between 500 and 600 acres lying substantially between the piece to the inclusion of which he objected and the Northwood boundary over which the Northwood Council sought no powers under the Act. Later, he said it was obvious that within a comparatively short time a scheme ought to be prepared for the development of all that land from a building point of view, and for drainage and ordinary sanitary purposes.

" The Inspector: Do you mean under the Act?

" Mr. Lailey said either under the Act or the Public Health Act. He thought it quite conceivable that a town planning scheme would be promulgated. He went on to urge that there was no difference between this one portion and other adjacent portions which

had not been included in the Scheme, while with regard to drainage Northwood could not offer to them any facilities which Watford could not offer. There was not the slightest reason to suggest that at the proper time, whether the Local Government Board thought that was next day, next month or next year, Watford Rural District Council would not do its duty by this part of their area. Surely, in all conscience the 6,000 acres included in the scheme, even when confined to the Ruislip-Northwood area alone, would be enough for that Urban District Council to deal with."

Despite this opposition the Ruislip-Northwood Council were empowered to include the land in their scheme.

### THE EFFECT OF A TOWN PLANNING SCHEME WHEN PREPARED.

So much misunderstanding exists as to the effect of a Town Planning Scheme when prepared that it will be of service to explain by means of two definite statements, what will happen in an area for which a Town Planning scheme has been prepared when the scheme has been approved by Parliament.

- (1) If no development takes place—*i.e.*, if no houses are built, if no roads are constructed, and if no open spaces are formed—then the scheme will remain simply a series of inoperative clauses—inoperative because the processes of development which it is the object of a Town Planning scheme to govern and guide, are not entered upon. In other words, the powers given to Local Authorities under a Town Planning scheme only come into operation when actual developments take place.

It is true that in some special cases Local Authorities will agree to buy land for open spaces and will undertake to make arterial roads, but these agreements will be of the nature of special provisions in the particular scheme, and will only be inserted because the Local Authority responsible for the preparation of the scheme deems it wise, in the public interest, to embody these special provisions in their scheme. Moreover, the time at which these purchases are made or roads constructed, will be fixed in the scheme by the Local Authority preparing the scheme.

The extent to which Local Authorities under the scheme will buy land in the area, make roads, and form and undertake to maintain open spaces, &c., will thus depend on the provisions of the scheme itself. The Act gives power to Local Authorities to act in regard to all these matters, but if action is to be taken, then clauses must be inserted in the scheme defining the lines on which such action shall be taken. No action will be taken in these matters in the absence of such clauses.



- (2) When the work of development commences then all the processes of development must conform to the conditions laid down in the scheme. The maximum number of houses per acre prescribed in the scheme must not be exceeded, factories must not be built in areas reserved for residences, the main roads must follow the lines marked on the Map, and if areas are left without roads being marked, then detailed plans relating to these must in due course be submitted to the Local Authority in accordance with the provisions of the scheme.

It should be clearly realised that the preparation of a Town Planning scheme does not place vague and general powers over an area in the hands of a Local Authority. Whatever power a scheme gives to a Local Authority must be clearly defined in the scheme. Landowners or land developers need not fear that the outlining of roads in a scheme will mean that the Local Authority can compel them to make these roads before it is, in their judgment, financially wise to incur this cost. Similarly, the fact that under a scheme a Local Authority may mark a road on the Map of the scheme will not give the owners of the adjacent land the right to come to the Local Authority and demand that the road shall be made.

To do the first of these might mean that owners and developers of land would be thrust into the bankruptcy court as a result of the ruinous expense of making roads before the land was ripe for development. To do the second of these would transfer to the shoulders of the Local Authority the responsibility for the cost of road construction—a responsibility which has fallen, and should continue to fall, on those engaged in land development, except where urgent public needs have to be satisfied.

In short, a Town Planning scheme governs the future development of the area for which it has been prepared. But the extent to which it governs the development depends not on any general powers, but on the actual provisions of the scheme itself. Moreover, if the scheme does not contain any provisions in regard to certain points, and if these are not dealt with in the ordinary Bye-Laws operative in the area of the Local Authority, then the landowner, the land developer and the builder will be in the same position under a Town Planning scheme as they are in any other area for which a Town Planning scheme has not been prepared.

It will be well to add a word of explanation in regard to the validity of Bye-Laws in a town-planned area, and to give this explanation in the form of a reply to a question, viz. : Will the ordinary Bye-Laws of a Local Authority be operative or not in an area which has been made the subject of a Town Planning scheme ?

The answer is that if the scheme includes special provisions as to width of roads, height of rooms, &c., then to the extent to which these special provisions are embodied in the scheme, and new standards are thus set up, the Bye-Laws in regard to these special points will be thereby suspended, but for the area of the



scheme only. In regard to all other matters covered by the Bye-Laws which are not made the subject of special provisions in a scheme, the ordinary Bye-Laws will be operative in town-planned areas.

The Bye-Laws will moreover remain in undiminished operation throughout that part of the area of the Local Authority which is not made the subject of a Town Planning scheme, and even in town-planned areas their operation will only be diminished just in so far as certain Bye-Laws are suspended and replaced by special regulations.

The point may be made clear by a reference to the text of the Quinton, Harborne, &c., scheme of the Birmingham City Council. It will be seen that under this scheme regulations relating to the width and construction of roads are inserted in the scheme, and to this extent the Bye-Laws of the Birmingham City Council dealing with the same points are suspended for the area. The conditions as to thickness of walls and height of rooms are in this scheme left unaltered, and therefore in this respect the Bye-Laws of the City Council are in full operative force.

In the case of the Ruislip-Northwood scheme conditions as to the laying out of new streets are also dealt with in the scheme, and the Bye-Laws of the Council governing these matters are replaced by special provisions.

#### GENERAL AND SPECIAL PROVISIONS OF TOWN PLANNING SCHEMES.

The power to insert general and special provisions in Town Planning schemes is of vital importance, and it will be well to explain here in detail the character and scope of this power, which is given to Local Authorities under Clause 55 of the Act.

This clause is, next to Clause 59 (which deals with the exclusion or limitation of compensation in certain cases) the most important clause in the Act, for under it the Local Government Board have power to prescribe provisions covering the whole range of the objects of schemes.

The main points in this Clause (55) may thus be summarised :—

(a) The Local Government Board may prescribe a set of general provisions or separate sets of general provisions, adapted for areas of a special character.

The object of framing these provisions is to enable Local Authorities to carry out the general objects of Town Planning schemes, and in particular to deal with the matters contained in the Fifth Schedule of the Act.

(b) In every scheme Local Authorities must insert special provisions prescribed in accordance with regulations made by the Board, defining :—

(1) the area to which the scheme shall apply ;

- (2) the authority or authorities responsible for empowering the observance of the scheme ;
- (3) the authority or authorities responsible for the execution of works.

Special provisions made in accordance with regulations prescribed by the Board shall also be inserted in every scheme providing for :—

- (a) any matters which may be dealt with by general provisions ;
- (b) supplementing, excluding or varying the general provisions, named in (1) and (2) above ;
- (c) dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions ;
- (d) for suspending so far as is necessary for the proper carrying out of the scheme any statutory enactments and bye-laws, regulations or other provisions under whatever authority, which are in operation in the area included in the scheme.

It will be seen that a scheme containing provisions as outlined above, and more especially in view of the fact that such provisions may suspend any "statutory enactments, bye-laws, regulations, or other provisions, under whatever authority made," is in effect an Act of Parliament, and, therefore, the same clause under which these powers are given by the Local Government Board to Local Authorities provides that every scheme which contains provisions suspending any enactment contained in a General Public Act shall not come into force

- (1) until it has been laid before each House of Parliament for a period of not less than thirty days ; and
- (2) if before the expiration of these thirty days either of these Houses presents an Address to the King against the draft or any part thereof, no further proceedings shall be taken thereon without prejudice to the making of a new scheme.

It is necessary to explain that up to the time of writing this book, the Local Government Board has not issued the general provisions named above. In some quarters there has been a tendency to criticise the action of the Board as shewing a lack of desire to guide and assist Local Authorities in their work of administering the Act, but a little reflection will shew that the Board has acted with wisdom in delaying the issue of general provisions. It is far better to allow these general provisions to be framed as the result of a process of evolution—or, in other words, to become clearly defined in the actual preparation of Town Planning schemes—rather than to frame them in any academic spirit.

From this point of view the work of the Birmingham and Ruislip-Northwood Councils is seen to be of national value. They have commenced the work of laying the foundation on which these general provisions can be built, and when some

more schemes have been prepared and approved by Parliament, the time will be ripe for the prescription of these general provisions. Until that time arrives the attitude taken by the Local Government Board will be fully justified.

For the present, therefore, Local Authorities must rely upon the guidance given by the Regulations governing the scope and character of the special provisions which may be inserted in a scheme, and more especially on the lead given to them by the special provisions contained in the Birmingham schemes and the Ruislip-Northwood scheme.

### THE OBJECTS OF A TOWN PLANNING SCHEME.

The objects to be secured by the preparation of a scheme are defined under the Act as "proper sanitary conditions, amenity and convenience," and the wide field covered by these words can best be seen from the following statement taken from the Fourth Schedule of the Act of "matters to be dealt with by general provisions prescribed by the Local Government Board." These constitute, in effect, the subject matter in regard to which provisions can be embodied in a scheme :—

- (1) Streets, roads, and other ways, and stopping up, or diversion of existing highways.
- (2) Buildings, structures, and erections.
- (3) Open spaces, private and public.
- (4) The preservation of objects of historical interest or natural beauty.
- (5) Sewerage, drainage, and sewage disposal.
- (6) Lighting.
- (7) Water supply.
- (8) Ancillary or consequential works.
- (9) Extinction or variation of private rights of way and other easements.
- (10) Dealing with or disposal of land acquired by the responsible authority or by a Local Authority.
- (11) Power of entry and inspection.
- (12) Power of the responsible authority to remove, alter, or demolish any obstructive work.
- (13) Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.
- (14) Power of the responsible authority or a Local Authority to accept any money or property for the furtherance of the object of any Town Planning scheme, and provision for regulating the administration of any such money or property, and for the exemption of any assurance with respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.
- (15) Application with the necessary modifications and adaptations of statutory enactments.
- (16) Carrying out and supplementing the provisions of this Act for enforcing schemes.
- (17) Limitation of time for operation of scheme.
- (18) Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested by means of conferences, &c.



- (19) Charging on the inheritance of any land the value of which is increased by the operation of a Town Planning scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land.

To these matters may be added the following, from the Fifth Schedule :—

The details to be specified in plans, including, wherever the circumstances so require, the restrictions on the number of buildings which may be erected on each acre, and the height and character of those buildings.

THE LIMITATION OF THE NUMBER OF BUILDINGS PER ACRE  
(DWELLING HOUSES, FACTORIES, SHOPS, &c.),  
THROUGHOUT THE AREA INCLUDED IN THE SCHEME.

The power to place limitations as to the number of buildings which may be built per acre is given to Local Authorities under Sub-Section (2) of Clause 59 of the Act, and under the Fifth Schedule of the Act (Sub-Section 5) :—

Sub-Section 2 of Clause 59 is as follows :—

Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a Town Planning scheme, which, with a view to securing the amenity of the area included in the scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Local Government Board, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose.

Sub-Section 5 of the Fifth Schedule is as follows :—

The details to be specified in plans, including, wherever the circumstances so require, the restrictions on the number of buildings which may be erected on each acre, and the height and character of those buildings.

It will be noted that this power relates to the number of buildings per acre and not simply to the number of dwelling-houses per acre. It is therefore possible by the exercise of this power to secure a limitation in the number of any kind of buildings—whether factories, shops or houses.

That the power can be used to secure the adoption of modern ideas of planning in the development of factory areas and of shopping areas is quite clear, but for the greater part the power will be used to secure the amenity of the garden and open space around or near to the homes of poor and rich people alike. For this reason special prominence is given in this book to the exercise of the power thus given to Local Authorities to limit the number of dwelling houses per acre.

It is characteristic of our British legislation that the power thus given to Local Authorities is given in the form of an exclusion from the range of demand for compensation, instead of in the form of a direct positive power. The power is none the less of great value.

As the Act was originally drafted the conditions under which compensation might be claimed from a Local Authority were by no means clear, and the members of the Standing Committee, to whom the detailed consideration of the Bill was referred by the House of Commons, asked the Attorney General to attend a meeting of the Committee and explain the provisions of the Bill in regard to compensation.

The Attorney General in his explanation stated that as the Bill was drafted the limitation by the Local Authority of the number of buildings per acre might be made the subject of a claim for compensation. The members of the Committee then supported Sir John Dickson-Poynder in asking Mr. Burns to draft a special clause expressly providing that the Local Authority should be given power to place such limitations without compensation, and the Sub-Sections quoted above were added when the Bill was re-introduced at the opening of the 1909 Session of Parliament.

The practical effect of these Sub-Sections is that a Local Authority may embody in a Town Planning scheme provisions limiting the number of buildings which may be built per acre throughout the whole area without payment of compensation, provided that the Local Government Board regard such limitations as reasonable.

It is necessary for the Local Government Board to state formally that they regard these limitations as reasonable, and it will be found on reference to the text of the Quinton, Harborne, &c., scheme given in the Appendix, that in this, the pioneer Town Planning scheme, the following declaration is made by the Board :—

And whereas by Sub-Section (2) of Section 59 of the Act it is enacted that property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a Town Planning scheme, which, with a view to securing the amenity of the area included in the scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which We, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose.

And whereas Clauses 7, 17, 18 and 19 of the scheme, as modified and set out in the Schedule hereto, contain provisions which prescribe the matters mentioned in Sub-Section (2) of the said Section 59 for the purpose therein mentioned.

Now, therefore, in pursuance of the powers given to us by the Statutes in that behalf, we hereby approve the scheme as modified and set out in the Schedule hereto, and we hereby declare that, having regard to the nature and situation of the land affected by the provisions of Clauses 7, 17, 18, and 19 of the scheme, we consider those provisions reasonable so far as they relate to the purpose mentioned in Sub-Section (2) of Section 59 of the Act.

It may, however, be asked what will happen if the Board do not regard the standards of limitation as reasonable ?

In reply, it may be said that in such cases the Local Authority will be notified to this effect before the final stage is reached, and will be able to adopt other standards which the Board regard as reasonable.



What the standards regarded as reasonable by the Board are likely to be it is now possible, in some measure, to say. At the time of the publication of this book three schemes have been approved by Parliament, viz. : the Quinton, Harborne, &c., and the East Birmingham schemes of the Birmingham City Council, and the scheme of the Ruislip-Northwood Urban District Council, and the Local Government Board has declared that the standards adopted in these are reasonable.

In the Quinton, Harborne &c., scheme the standard of twelve dwelling-houses to the gross acre has been adopted throughout the area, subject to exceptional conditions in areas partly developed. In the East Birmingham scheme eighteen dwelling-houses per gross acre are permitted on one part, with fifteen and twelve per acre on other parts. In the Ruislip-Northwood scheme there are several standards, varying according to the character of the area. In districts which the Local Authority and the owners of land regard as suitable for large residences the number is limited to four per acre, and other standards are six, eight and twelve to the gross acre—twelve being the maximum permitted.

In order, however, to aid those landowners who desire to group their houses and thus to lessen the cost of roads, &c., provision is made in the three schemes named above to allow a somewhat larger number per acre on part of the "land unit" on condition that the maximum number is not exceeded throughout the whole of the land unit.

In the Quinton, Harborne, &c., scheme the term dwelling-house is used to connote the home of one family only, and in fixing the number of dwelling-houses per acre a safeguard is provided against the building of flats and tenements in this area. The words used in Clause (17 (a)) are as follows :—

In this clause "dwelling-houses" shall mean houses designed for occupation by not more than one family, together with such outbuildings as are reasonably required to be used or enjoyed therewith.

Councillors and officers of Local Authorities in other lands will realise the significance of this clause. It shews that in an English city of a million people the determination not to have tenement dwellings, or flats, is so strong that in no part of this suburban area will it be practicable to develop a type of dwelling which has become the normal type throughout the great cities of Europe.

In the Ruislip-Northwood scheme the following provision, taken together with the provision as to the proportion of the building site left free from building, will make it less profitable to build flats of two houses than to build cottages, and will render it absolutely unprofitable to build blocks of tenement dwellings.

For the purpose of this clause one building shall be deemed to include stabling, motor houses, lodges, and usual outbuildings within the curtilage of, and used in connection with, any one dwelling-house. Provided that any dwelling-house adapted for occupation by more than two and not exceeding four families shall be reckoned as two buildings, and by more than four families as three buildings. (Clause 49 (g).)



In adopting standards of limitation Local Authorities will certainly be guided by the example set by the Birmingham City Council—a typical great municipal authority with a population of a million people, and by the example set by the Ruislip-Northwood Urban District Council—a typical small urban authority controlling a Greater London suburban area, in which at present a penny rate represents only £240.

In regard to the attitude of the Local Government Board towards the new standards thus adopted, it may be stated here that the heads of those departments of the Local Government Board concerned in Town Planning work—more especially Mr. Noel Kershaw, C.B., Assistant-Secretary to the Board, and Mr. J. A. E. Dickinson (the Housing and Town Planning Comptroller), have given valuable encouragement and help to these Councils in their desire to adopt excellent standards.

Local Authorities will find indeed that the sympathy shewn by Mr. John Burns and his successor at the Board—Mr. Herbert Samuel—in regard to Town Planning work, finds able expression amongst the permanent officials at the Board.

It will be well to explain here two terms which are frequently used in discussions as to Town Planning standards, viz.: “gross acre” and “nett acre.”

By gross acre is meant the whole area of land with the space necessary for roads included. If, for example, an area of twenty acres is taken, and twelve dwelling-houses per acre are built upon this area, then the space for the roads must be provided out of the twenty acres.

By nett acre is meant the area of land left when the space for roads has been taken away.

It will be seen from this that a limitation of twelve dwelling-houses per nett acre will secure larger building plots per dwelling-house than a limitation of twelve houses per gross acre.

It is now necessary to explain also the term “land unit,” which appears in the terminology of Town Planning for the first time in the Quinton, Harborne, &c., scheme.

In preparing the scheme, the Town Planning Committee of the Birmingham City Council found it necessary to adopt some convenient unit of land, and after much care and consideration decided to define their land unit as follows (Clause 17 (c)) :—

If at that time, *i.e.*, when a plan for a building is submitted for approval, the owner of the land does not own any other land in the area which is not included in a land unit the land included in the building plan shall constitute a land unit for the purposes of this clause.

If at that time the owner of the land owns other land in the area which is not included in a land unit there shall be submitted to the Corporation by the owner an estate plan in duplicate showing the whole of the land of such owner in the area but not included in a land unit; and the Corporation shall thereupon determine whether the land included in the building plan shall constitute by itself a land unit or whether all or any part of the remaining land of such owner shall at that time, having regard to the effect of the develop-

ment of the land included in the building plan, be added to the last-mentioned land to form a land unit, and shall show on each copy of the estate plan the land they determine shall form a land unit and return one copy of the plan to the owner.

The need for fixing some kind of land unit appears directly a Local Authority enters upon the work of fixing standards of limitation, and more especially because they feel bound, whilst permitting landowners and land developers to exercise economy in grouping, to secure that this grouping or massing together of buildings is not carried to such a degree as to defeat one of the main objects of the Act, viz. : that of securing gardens and open spaces in close proximity to dwelling-houses.

Exactly what form the land unit should take—whether it should be :—

- (a) the property of one owner ; or
- (b) a definite number of acres belonging to one owner, or
- (c) a natural area belonging to one owner,

is a question on which diverse opinions exist amongst Town Planning experts, and each Local Authority will have to decide this question in view of their own local conditions.

#### THE RESERVATION OF CERTAIN AREAS FOR RESIDENTIAL PURPOSES.

The power to reserve certain areas for residential purposes is given to Local Authorities under Clause 59 of the Act, and the exercise of this power is also excluded from the range of compensation, for Sub-Section (2) of Clause 59, provides not only for the limitation of the number of buildings, but also gives power to Local Authorities to place restrictions as to the *character* of the buildings.

If wisely and temperately used the exercise of this power will be warmly welcomed by owners of land and occupiers of houses. It renders unnecessary the procedure of safeguarding the use of land by means of covenants. All the good features which can be secured by this cumbrous legal method can be secured in a much more simple and inexpensive way by means of provisions inserted in Town Planning schemes. Under a well prepared scheme the owner of a house need not fear that the value of his property will be diminished or destroyed by the erection in close proximity to it of a factory, for it is possible under the Act to reserve certain areas entirely for residential purposes.

That a Local Authority has also power to prevent the development in an area of any dangerous, offensive or obnoxious trade, is shown by the following Clause (21) in the Quinton, Harborne, &c., scheme :—

Except on lands already so used or appropriated therefor no clay shall be burnt nor shall any bricks or tiles be made or burnt, nor any dangerous, noxious, or offensive trade, manufacture, business, or process be carried on in the area ; and no factory of any kind shall be erected in the area except with the consent of the Corporation under Clause 17 (c) (iii.) and (vi.) of this scheme, and no manufacturing business shall be carried on therein without such consent.



Exactly how far it will be wise for a Local Authority to exercise this power of restriction can only be determined by the careful consideration of local conditions. In a busy industrial district it will be well to exercise much caution in the framing of restrictions. The Act has not been passed to place unwise restrictions on manufacturers or to hamper trade, and the "bread and butter" problem of each district must be kept clearly in mind in preparing a scheme.

But every Town Planning Committee entrusted with the work of drafting a scheme should place upon their "agenda" of subjects to be considered the desirability of reserving areas for residential purposes, and in most districts it will be found that there are certain areas which, without any kind of danger of interference with industrial development, may be thus reserved.

#### THE DEFINING OF SHOPPING CENTRES AND THE POWER TO CONFINE THE ERECTION OF WAREHOUSES, FACTORIES AND SHOPS TO CERTAIN AREAS.

The power to secure this end without compensation is also given under Sub-Section (2) of Clause 59, under the words "*height and character.*"

How far shopping centres should be defined under Town Planning schemes is a moot point. Some Local Authorities will be reluctant to replace the chaos of the old methods by the rigid definition of shopping centres. From the point of view of the small shopkeeper there is, however, a good deal to be said in favour of the careful definition of shopping centres, and the limitation of shops to the special areas thus defined.

The waste of the savings of poor people due to the embarkation on hopeless trading enterprises in areas quite unsuited to shops, and in houses not equipped for trading purposes, is far greater than most people imagine.

There is, however, another argument of great importance in favour of care being exercised in the definition of shopping areas. It is that the amenity of a district can be greatly increased by a wise combination of open space, shopping centre and public buildings. Shopping centres in many towns are dreary and lacking in brightness, but that these can be made quite otherwise with care can be seen in the study of such examples as that of the Pantiles at Tunbridge Wells.

It is precisely in these places where there are the greatest aggregations of population that the need for care in grouping and for providing amenity is greatest. Lord Street, Southport, and Princes Street, Edinburgh, are interesting examples of the way in which shopping centres can be associated with amenities of a most valuable kind, and Local Authorities will be well advised to consider whether in the lay-out of new suburban areas some modest endeavour to copy these excellent examples may not be made.



In regard to the defining of factory areas it will be seen from the text of the schemes given in the Appendix to this book, that the power of Local Authorities to define factory areas has already been exercised by the Birmingham City Council and by the Ruislip-Northwood Urban District Council.

The extent to which this power should be used can only be determined by the Local Authority after carefully studying the local conditions. It is, however, of vital importance that the question should not be considered as one of limitation. If the subject is considered from this point of view much mischief may be done, and discontent engendered. It will be far better for Local Authorities to seek a positive rather than a negative end, and to regard the problem as one of securing the maximum industrial efficiency of the district. Just as many of the worst blunders in daily life are committed from "want of thought," rather than "want of heart," so the absence of thought, or to use the more appropriate French word, the absence of "prevision," has been a fruitful cause of evil in the industrial development of a town.

If the Town Planning Committee of a Local Authority in preparing a scheme will give special attention to the future lines of industrial development, they will be able to prevent the repetition of many of the faults of the past. In some cases they will find that there are certain areas which from the point of view of traffic facilities by road, rail, river, or canal, are admirably fitted to serve as manufacturing areas and, provided that the land can be rendered available on reasonable terms, employers will gain greatly by the development of such areas when these are properly equipped by the Local Authority with "power" in various forms.

The preparation of a Town Planning scheme provides an admirable opportunity for bringing together landowners and manufacturers, and if these can be induced to see that it is to their joint interest to co-operate with the Local Authority in the preparation of a scheme, results of value will follow.

This point is dealt with in detail in a later chapter, and it is hoped that the suggestions there made in regard to this subject will be of service to Town Planning Committees engaged in the preparation of schemes.

#### THE GRANTING OF POWER TO LOCAL AUTHORITIES TO SECURE IMPROVEMENTS IN THE DESIGNS OF HOUSES.

Clause 56 of the Ruislip-Northwood scheme provides that in regard to the design of the buildings to be erected, if the Council are of opinion that the character of the buildings—whether on account of the design or the undue repetition of the design, or the materials to be used—proposed to be erected would be injurious to the amenity of the neighbourhood the Council may, subject to an appeal to an arbitrator, require reasonable alterations to be made.

The value of this power is beyond question, and it is to be hoped that in many other Town Planning schemes similar powers will be given to Local Authorities. It is not enough that Local Authorities should endeavour to improve public taste by exhibiting pictures in Art Galleries, and by establishing Art Classes in Technical Schools. Every dwelling-house should be well designed, and the fact that it is a small house need not mean that it must be an ugly one. It is possible for a statuette a few inches high to be as much a work of art as a colossal monument. The right of a Local Authority to require those responsible for the building of houses to submit their designs for approval has been established for many years in most of the countries of Europe, and the results are to be found "writ large" in the main streets of many capital cities.

It will be noted that this power includes the right to require other materials to be used. This should prove of value when there is a danger of spoiling the amenity of groups of houses by using unsuitable materials.

#### THE FIXING OF A DEFINITE PROPORTION BETWEEN THE SITE ACTUALLY COVERED BY A BUILDING AND THE AREA OF GARDEN OR OTHER FORM OF CURTILAGE TO THE BUILDING.

In the early days of discussion as to the administration of the Act several hours at one of the Annual Conferences of the National Housing and Town Planning Council held under the chairmanship of Alderman Thompson, at the Westminster Palace Hotel, were devoted to the consideration of a point raised by an architect to the effect that it might be possible for a good standard of limitation to be adopted by a Local Authority and at the same time for overcrowding of dwelling-houses on sites to be allowed.

The discussion made clear one point of great importance, viz.: that it is not only necessary to limit the number of dwelling-houses per acre, but that provision must be made to determine the relation between the area actually covered by buildings and the building plot. The power to determine this relation without the payment of compensation is given in the words "to prescribe the space about buildings," in Sub-Section (2) of Clause 59.

It will be found on reference to the text of the Ruislip-Northwood Town Planning scheme that except in cases of shops, factories, and corner sites, not more than one-fourth of the area of the building plot may be built upon. By the exercise of this power the provision of adequate garden space for each dwelling-house is rendered absolutely secure.

The standard to be adopted in this respect should be made the subject of most careful discussion before it is finally determined. If a word of advice may be given here, it is that a long view should be taken as to the provision of space for home gardens. It is not enough to say that many families to-day do not appreciate



garden space and will not cultivate gardens if they have them. The houses when built will be used during the lifetime not of one family, but of several families, and although the first family entering on the tenancy of a house in a garden suburb may, unless stimulated, neglect the garden, later families may acquire the virtues of the garden lover, and may cultivate with pleasure the plot of land around their home.

#### THE FIXING OF MINIMUM SIZES OF ROOMS AND OF FLOOR AREAS.

One of the flaws of the Public Health Act is that under it Local Authorities have no power to fix a minimum size for a habitable room, and as a result rooms, which are only box rooms, have been constructed in houses built under the control of rigid bye-laws, and are habitually used as sleeping rooms—the Local Authorities not possessing power to forbid their use in this way.

To provide adequate remedies for the evils of overcrowding, it will be necessary to pass new legislation, but the fact that under Clauses 54 and 55 of the Ruislip-Northwood scheme the Local Government Board have given their assent to powers giving the Council the right to prescribe certain minimum areas will serve to shew that much can be done in this respect under well-framed Town Planning schemes.

It is true that the standards fixed by the Ruislip-Northwood Council may be regarded as not stringent enough, but the fact remains that powers have been granted to them to thus determine minimum sizes of rooms and of floor areas.

#### THE RELAXATION OF CONDITIONS AS TO BUILDING CONSTRUCTION.

The power to relax conditions as to building construction in the areas included in Town Planning schemes, is so important that it will be of service to explain here the extent and character of the opportunities which are thus given to Local Authorities to lessen the cost of building construction under Town Planning schemes.

Under Clause 55 of the Act a Town Planning scheme may contain provisions suspending the operation of bye-laws for the area included in the scheme. That the bye-laws which may thus be suspended include those relating to building construction is shewn by the fact that in the Ruislip-Northwood scheme several provisions dealing with points of building construction, have been inserted in the scheme.

In England and Wales there is not so much need to modify the conditions as to building construction as there is in Scotland, for on the whole the bye-laws of Local Authorities south of the Tweed are by no means stringent—more especially in those cases where Local Authorities have responded to the repeated invitation of the Local Government Board to adopt new bye-laws from the three special series issued by the Board.



But in Scotland there is a great need for the relaxation of conditions as to building construction. Local Authorities—or rather the Dean of Guild Courts, in whose hands the administration of the “Police Acts,” governing questions of building construction, has been placed—are so wedded to old standards of building construction, *e.g.*, high rooms, costly stairways, thick walls, &c., that cottages often cost from 30 per cent. to 50 per cent. more than they would cost if modern and scientific standards were adopted.

The preparation of Town Planning schemes will give Local Authorities in Scotland opportunities for dealing with this problem in a clear and concise way, and it is to be hoped that they will take full advantage of the opportunities thus given to them.

#### THE POWER TO FIX BUILDING LINES AND TO REQUIRE DWELLING-HOUSES TO BE SET BACK IN ORDER TO SECURE THE PROVISION OF PROPER AIR SPACE AND SUNLIGHT FOR EACH HOME.

The power given to Local Authorities to fix building lines and to embody their decisions in Town Planning schemes will be welcomed by all who recognise the absurdity of the present law in regard to building lines. Instead of permitting the future of a street to be determined by the accident of the line adopted by the builder of the first dwelling-house, the Local Authority will now be able to fix the building line in any and every new street.

The results of the exercise of this power will be most valuable—more especially in regard to the provision of forecourts and gardens.

Thus the provision of an adequate set-back will enable the tenant of a dwelling-house to add enormously to the attractiveness of his home by the cultivation of his garden, and before long it will be recognised that just as every member of a community owes to the rest of the community the duty of seeing that his body is properly cleansed, so each householder should perform the duty of adding to the amenity of the street in which he lives by cultivating the garden in front of his dwelling.

The extent to which it will be possible for a Local Authority to secure the dedication of land for future widening in a street which may become a through street, and to leave this land in private gardens, has often been discussed at Conferences of Local Authorities, and there can be no doubt that provision can be inserted in a scheme securing this to the Local Authority.

It may, however, be suggested that in all such cases the set-back should be so generous as to secure that when the change is made the value of the dwellings shall not suffer.

A great deal is to be said in favour of persuading owners of land to give up at once for the public use the width which may be ultimately required, and to leave between the footpath and the fence of the garden a strip of land in the form of a grass margin, to be kept in order at the public expense.

In some cases a preference will be shewn for the grass margin between the footpath and the road, but wear and tear have to be considered in such cases as these, and if this wear and tear is great the margin becomes not a grass margin, but a mud margin.

An admirable method of treating margins is that of planting a narrow belt of shrubs, and where the traffic is not great this adds greatly to the amenity of a side street.

The need for fixing building lines in rural planning schemes is dealt with in a later chapter.

#### THE FRAMING OF REGULATIONS GOVERNING THE USE OF PRIVATE OPEN SPACES AND GARDENS, AND THE PRESERVATION OF OBJECTS OF HISTORIC INTEREST OR NATURAL BEAUTY.

An interesting example of the value in use of the power possessed by Local Authorities under the Act to frame Regulations governing the use of gardens and public open spaces will be found in Clauses 29 to 35 of the Ruislip-Northwood scheme.

It will be seen that in these clauses power is given to the Local Authority to secure that private open spaces shall be maintained in good order, and when required by the Council shall be fenced by and at the expense of the owner. If such private open spaces or the fences thereof are neglected the Council can do any works necessary and recover the cost from owner.

Under the same scheme it is also provided that :—

(a) All private gardens, allotments, or private open spaces, shall be kept in such a state as not to be a nuisance or annoyance to persons using the highway or to neighbours. The Council may take steps to abate such nuisance and may recover the costs from any person served with notice.

(b) To prevent untidiness or irregularity the Council may by agreements with owners lay out, plant and fence the forecourts abutting upon a street at the cost of the Council or the owners, or of both as may be agreed upon.

In the schemes already prepared there are no striking examples of the usage of the power to preserve places of historic interest or natural beauty, but it will, without doubt, be used with good results in some schemes.

It should, however, be realised that a Local Authority have no power under a scheme to compel an owner to keep land out of use simply because it has an historic interest, or possesses natural beauty. Those who "will the end" must "will the means," and in such cases as this if the owners are not willing to keep their land out of use the only course to be adopted by the Local Authority will be that of purchase. But in many cases the owners will welcome the desire of the Local Authority to preserve places of historic interest and natural beauty, and will enter into agreements with the Local Authority to secure this end. The terms of these agreements will depend on the good relations between the Local Authority and the owner.

THE FRAMING OF PROVISIONS WHERE OWNERS OF LAND PROVIDE OPEN SPACES, TO BE MAINTAINED EITHER AS PRIVATE OPEN SPACES OR PUBLIC OPEN SPACES, AND THE GRANTING OF POWER TO ACCEPT GIFTS OF LAND OR TO PURCHASE LAND FOR DEDICATION TO PUBLIC USE.

The extent to which owners can be induced to make gifts of land to the Local Authority for use as public open spaces or to enter into agreements with the Local Authority to devote certain areas for use as private open spaces, will largely depend on the spirit in which they are met by the Local Authority, and especially on the willingness of the Local Authority to relax conditions as to widths of roads, &c.

It will be noted that in the Ruislip-Northwood scheme some of the relaxations are made conditional on the giving up of one-tenth of the land for open spaces, and that this giving up of land is to be over and above the amenity secured by the limitation of the number of dwelling-houses per acre, and the fixing of a proportion between the area actually covered by buildings and the building plot.

Speaking generally, a Local Authority has power under a scheme to:—

- (a) accept gifts of land. Such land to be maintained by the public ;
- (b) buy land at prices to be determined by agreements made under the scheme—the land to be taken and paid for as and when the scheme provides ;
- (c) frame provisions relating to the maintenance, by owners or by the tenants of adjacent houses, of private open spaces dedicated for use as such under the scheme.



In regard to these points it will be seen that Schedule 4 (Sub-Section 14) provides for the framing of clauses enabling Local Authorities to accept gifts of land. It should be added that in the case of a large unbuilt area there is no need for the land thus given by the landowner to be taken over until the Local Authorities are ready to receive it.

In the case of the Ruislip-Northwood scheme a number of open spaces are given to the Local Authority by landowners, but during the next few years hardly any of this land will be taken over, for the need to take it over will only arise when the adjacent land is developed.

There is an interesting example illustrating the value of this power to accept land in the Ruislip-Northwood scheme. A small stream runs for a good distance through the area. The swampy land bordering on this stream has been declared an open space, and when the area develops and rateable value arrives, the Local Authority will develop this land as a public promenade.

In some cases it is desirable for the Local Authority to accept gifts of land and construct small public gardens at junctions of roads. This is an admirable way of adding to the amenity of a suburb. A light fence can be constructed, a few shrubs planted, and flower beds formed and filled, and with the addition of seats a pleasant little public garden can be secured.

Power is also given to Local Authorities to acquire land for the purpose of public open spaces—a good example of this is to be found in the Birmingham (Quinton, Harborne, &c.) scheme. In preparing this scheme the Town Planning Committee asked the Playing Fields Committee of the Corporation to mark down the land which in their opinion should be reserved for future use as playing fields. This was done, the owners were approached, and provision was made in the scheme for the purchase of this land at a price mutually agreed on, the purchase to be made when the surrounding land comes into use.

In the same manner Local Authorities are given power to purchase land in large areas for the purpose of public parks. It is, however, open to question whether Local Authorities will in the future expend great sums of money on the purchase and maintenance of large parks. In very great cities the value of these is unquestioned, but in the case of smaller cities and suburbs the need for access to open spaces and the satisfaction of the demand for recreation and amenity can be better met by the provision of small open spaces, and the cost of these to the public purse is far less.

An admirable method of giving private open spaces is in the form of open quadrangles, around which houses are built. The houses benefit greatly as a result of these green wedges separating them, and the land can be used either as gardens or as tennis courts.

Another good method is that of providing private open spaces on irregular shaped pieces of grass land at the rear of the gardens of houses. These spaces can be used as playing grounds for children, and as drying grounds on washing days. All that is needed is to construct paths of access and, provided that there are sufficient of them in a district, and that the use of them is limited to small children, the wear and tear will not be sufficiently great to result in the destruction of the grass.

#### THE POWER TO PROHIBIT ADVERTISEMENTS.

Exactly why we have permitted our towns and villages to be disfigured by advertisements, many of which relate not to the pleasures, but to the pains of life, it is difficult to understand. It is, however, a welcome feature of the Act of 1909 that Local Authorities are empowered in preparing Town Planning schemes to frame provisions in regard to advertisements.

The extent and character of this power is fully explained in the following chapter.

#### TRAFFIC FACILITIES AND ROAD CONSTRUCTION.

The need for giving special attention to questions of traffic facilities and road construction in the preparation of Town Planning schemes is dealt with in close detail in the next chapter, but it will be of service to describe here briefly the scope and character of the powers of Local Authorities in regard to traffic facilities and road construction generally.

In preparing a scheme a Local Authority may provide for all kinds of roads from the great main arterial road to the small cul-de-sac road of only 18 ft. in width, including roads and footpaths.

In considering schemes of arterial road construction the Local Authority must, however, bear clearly in mind the question of cost. In the past Local Authorities have been able to require those who have developed estates and have built houses, to bear all the cost of road construction. They have, however, only been empowered to require the construction of roads of 36 ft., 42 ft., and 50 ft., in width (according to the bye-laws of the district), to be made at the expense of the owners. In most cases this standard is the minimum that they will accept for dedication to the public use and for future repair by the Local Authority, and the maximum that they can demand.

It is unreasonable to expect that owners who have in the past been only called upon to make roads of widths varying from 36 ft. to 50 ft., will in future be willing to make roads of 120 ft. in width—more especially in view of the fact that the arterial road when made is of value not so much to the district through which it passes, as to the town to which it gives access, and to the country district beyond, with which it forms a link.



In any case when these new arterial roads are cut through land which is at present undeveloped, Local Authorities cannot in justice demand that the landowner shall at once bear his share of the cost of road construction. For this reason provision has been made in both the Birmingham and Ruislip-Northwood schemes to secure that the share of cost of road construction agreed upon shall not be paid by the owners until the sites bordering the road, or a certain proportion of them, pass from agricultural use to industrial or residential use, and the payments when made shall be for the cost incurred, and not for the interest charges accumulated during the period of waiting.

It is probable that the type of secondary road linking up main roads with residential roads will be much the same under Town Planning schemes as under present methods.

In the case of residential roads the preparation of a Town Planning scheme gives to Local Authorities a great opportunity for lessening the cost of road construction.

A word of warning may, however, be added as to the need for realising fully the value of the concessions which it is in the power of the Local Authority to give in this respect.

At Conferences the question is often asked as to whether it would not be wise to amend bye-laws so as to enable Local Authorities to allow cheaper roads to be made quite irrespective of Town Planning schemes.

Local Authorities should realise, however, that these relaxations ought only to be conceded by the Local Authorities when certain new standards as to the number of buildings per acre, increased curtilage about houses, and more adequate set-back from the road are agreed to by the landowner.

It will be the height of folly and unwisdom on the part of the Local Authority to modify bye-laws as to road construction without securing these improvements in planning. But, given the cordial co-operation of landowners and land developers in the work of preparing a Town Planning Scheme, it is clearly the duty of the Local Authority to do all within its power to lessen the cost of road construction and thus give the "*quid pro quo*" to which landowners and land developers are entitled.

#### THE POWER OF LOCAL AUTHORITIES TO DEVELOP ESTATES UNDER TOWN PLANNING SCHEMES.

The power of Local Authorities to develop estates is given to them under Clauses 6 and 60 of the Act. Whilst the powers, especially in regard to the building of cottages by Local Authorities, are valuable, several amendments of the present Act are needed in order to secure that the sites thus developed shall be freely built on by private enterprise.



For many reasons the question of the development of estates by Local Authorities is likely in the near future to become one of great importance. Local Authorities at present possess large powers to buy land and build and let cottages on estates acquired by them, but they have not adequate powers to adopt valuable modifications of this policy—for example they have not adequate powers to purchase estates and then after developing the sites and constructing roads, to invite the erection of cottages by private enterprise on the sites thus formed.

The subject is fully dealt with in a later chapter, and special attention may be drawn to the suggestions made therein.

## CHAPTER II.

A SURVEY OF THE VARIOUS STAGES IN THE PREPARATION  
OF A TOWN PLANNING SCHEME.

## SECTION I.

THE PREPARATION OF THE *PRIMA FACIE* CASE FOR APPLICATION  
TO THE LOCAL GOVERNMENT BOARD ASKING FOR PERMISSION  
TO PREPARE A SCHEME.

**B**EFORE the work of preparing a scheme can be placed in hand the permission of the Local Government Board must be secured in accordance with the following Sub-Section (2) of Clause 54 of the Act :—

(2) The Local Government Board may authorise a Local Authority within the meaning of this Part of this Act to prepare such a town planning scheme with reference to any land within or in the neighbourhood of their area if the Authority satisfy the Board that there is a *prima facie* case for making such a scheme or may authorise a Local Authority to adopt, with or without any modifications, any such scheme proposed by all or any of the owners of any land with respect to which the Local Authority might themselves have been authorised to prepare a scheme.

Until this permission is given Local Authorities will be well advised to avoid making any definite decisions as to the lines which their schemes shall follow when prepared, and to regard the procedure up to the point at which the permission to prepare the scheme is given by the Local Government Board as being concerned with one question only, viz., the area of the land to be included in the scheme.

It may, however, be urged that the members of a Local Authority will desire to know what they are likely to be committed to in thus embarking on the preparation of a Town Planning scheme.

If this means that the members of the Local Authority desire as practical men to know in general what their powers and duties are, and in particular what benefits other Local Authorities have succeeded in obtaining for the community, then it is a desire which should be satisfied to the fullest extent.

Reference has already been made in the preceding chapter to a Report prepared by three Lancashire Urban District Councils acting in co-operation, and the writer of this book, acting for the National Housing and Town Planning Council, will willingly assist the officers of any Local Authority in the preparation of such a Report for the consideration of their members. If such a Report can also be placed in the hands of the principal owners of land in the area, it will be of real service in making clear what the Local Authorities have the power to require on the one hand and to give on the other.

But it will be most unwise for Local Authorities in the first stage of Town Planning work, and before permission to prepare a scheme has been formally given, to begin to discuss in detail the provisions to be inserted in their schemes and the standards to be adopted. In this matter real wisdom will be shewn by waiting for the various stages of Town Planning work to develop in all their complexity, and by avoiding the temptation to place on paper any lines of suggested new roads or commence discussing standards of lay-out of land.

Local Authorities need not fear that in accepting the task of preparing a Town Planning scheme a dangerous journey is being embarked upon. The Act of 1909 was passed for the purpose of giving Local Authorities greater control over the areas they govern, and greater power to secure that the conditions of development shall be right from the beginning, and not for any other purpose. Moreover, schemes when prepared will be the schemes of the Local Authorities. They will be responsible for the drafting of them, and, when finally made, such schemes will represent their ripe decisions carefully arrived at after consultation with the owners.

The more a scheme can be made the "greatest common measure" of agreement between the Local Authority on the one hand and the owners and others interested in the land on the other, the better the scheme will be, but the full measure of value of the negotiations on which this agreement is to be based will only be realised by carefully developing the scheme stage by stage.

RESOLUTION OF A LOCAL AUTHORITY EMPOWERING THEIR OFFICERS OR A COMMITTEE TO TAKE ACTION IN THE PREPARATION OF THE MAP (No. 1) OF THE AREA FOR WHICH IT IS PROPOSED THAT APPLICATION FOR PERMISSION TO PREPARE A SCHEME SHALL BE MADE.

Provision is not made in the Regulations for the passing by the Local Authority of a formal Resolution authorising their Committee (entrusted with the work of preparation of the *prima facie* case) to take the necessary steps, but it will be well for the Local Authority to formally pass such a Resolution.

The Resolution passed in the case of the Ruislip-Northwood scheme is given in the chapter in the Appendix on Procedure Regulations, Forms and Notices, &c.



It should be noted that under Article I. of the Regulations the Local Authority must within seven days of the passing of such a Resolution (viz. : on arriving at a decision to consider a proposal for authority to prepare a scheme), serve notice of their decision upon any other Local Authority interested in the land.

## THE PREPARATION OF MAP No. 1.

When this Resolution has been passed and the work of preparing the *prima facie* case has been placed in hand, the first step to be taken is that of determining the area to be included in the scheme and of preparing a Map (No. 1) shewing the area thus determined.

The Scale of this Map must be 25.344 inches to the mile (Article II. (b)). No proposals as to roads are to be made on this map. It is simply to shew the extent and character of the area for which the permission of the Local Government Board to prepare a scheme is asked for by the Local Authority.

The land thus included in the Map No. 1 may be (a) wholly within the area of the Local Authority proposing to prepare the scheme, (b) partly within the area of this Local Authority and partly within the area of another Local Authority, or (c) even wholly outside the area of this Local Authority.

The Section of the Act dealing with this point reads as follows : Section 55 (3) :

"Where land included in a Town Planning scheme is in the area of more than one Local Authority, or is in the area of a Local Authority by whom the scheme was not prepared, the responsible authority may be one of those Local Authorities, or for certain purposes of the scheme one Local Authority and for certain purposes another Local Authority, or a joint board constituted specially for the purpose by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties."

This Section is of great importance as rendering futile a purely negative attitude on the part of one Council in regard to proposed action by an adjoining Council. In other words, if a Borough, or Urban, Council desires to safeguard the amenity and guide the methods of growth of the suburban area beyond the municipal boundary, the Council for the adjoining suburban area will not be able to defeat the proposal that a Town Planning scheme shall be prepared, by simply raising an objection. This was made clear in the Local Government Board Enquiry in regard to the Ruislip-Northwood scheme, as will be seen on reference to Chapter I. The Watford Rural District Council objected to the inclusion in the scheme of a small piece of land belonging to their area. They were not, however, prepared to undertake that a Town Planning scheme should be prepared, and it was decided by the Local Government Board that the land in question should, for the purposes of Town Planning, be included in the Ruislip-Northwood scheme—despite the fact that it is in the area of another Local Authority.

It is clear, therefore, that if one Local Authority objects to the preparation of a scheme by another Local Authority for land—part of which is included in the area of the first Local Authority—the only useful line of action to be taken will be to prepare a separate Town Planning scheme for the area. In practice it will be doubtless found wise, as well as neighbourly, to arrange for the formation of a joint body as provided in Section 55 (3) quoted above.

A copy of a typical Map No. 1 is given in Section V. of this chapter.

The question is often asked at Conferences whether Local Authorities should prepare one comprehensive scheme for a great area or a series of smaller schemes for sections of the same area.

In reply, it may be stated that it does not matter much whether one or several schemes are placed in hand. It is, however, essential that the total area included in a scheme or schemes should be a comprehensive one, and that the future development of the whole district, irrespective of the limits of the municipal area, should be properly safeguarded.

#### THE SERVING OF NOTICES OF INTENTION TO APPLY FOR AUTHORITY TO PREPARE A SCHEME.

At least four weeks before making the application to the Local Government Board for permission to prepare a scheme, the Local Authority must serve a notice of their intention to make such application, upon the following prescribed persons :

- (a) the owners of the land included or proposed to be included in the scheme or proposed scheme ;
- (b) the council of any borough or of any urban or rural district within which any part of that land is comprised, and also, if any main road is or may be affected, the County Council ;
- (c) the Board of Agriculture and Fisheries if in the scheme or proposed scheme there is any provision for the acquisition or appropriation to any other purpose of any land forming part of any common, open space, or allotment within the meaning of Section 73 of the Act of 1909 ;
- (d) the Commissioners of Works if any land included in the scheme or proposed scheme is situate within the distance prescribed by Regulations made by the Board under Section 74 of the Act of 1909 from any of the royal palaces or parks ;
- (e) the Board of Trade and, in relation to light railways, the Light Railway Commissioners (so far as regards the notice to be given under Article II.), if any land is proposed to be included in the application on which tramways or light railways are constructed or are authorised to be constructed. The notice served in any such case should be endorsed with the name or other identification of the tramway or light railway in respect of which the notice is served.

## THE PREPARATION OF A REGISTER OF PRESCRIBED PERSONS.

In order that these notices may be duly served it is necessary to prepare a Register of prescribed persons. In regard to the methods of preparing this Register there is a great difference in the estimates of cost, and an equally great difference in actual expenditure. Typical pages of a register are given in the Appendix in the chapter on Procedure Regulations, Forms and Notices, &c.

Whilst in the interests of the ratepayers this work should be done economically, it is essential that the work should be well done, for unless all the owners are properly served with these notices the later stages will not be valid, and Local Authorities will need to retrace their steps and begin again the work of preparing their scheme.

## THE HOLDING OF A MEETING WITH PRESCRIBED PERSONS AND OTHERS INTERESTED IN THE LAND OR THE ARRANGEMENT OF SEPARATE CONFERENCES.

Under the first series of Regulations it was necessary that a meeting with owners should be held under the following Article of the Regulations (now superseded) :—

“ The Local Authority before making an application to the Board for authority to prepare or adopt a scheme shall consider any objections or representations made to them in writing in reference to the proposed scheme whether by owners or other persons interested in the land proposed to be included in the scheme, or by owners or other persons interested in any lands in the neighbourhood of the land proposed to be included in the scheme which may be affected by the scheme, or by the Council of any Borough or of any Urban or Rural District within which any part of the land proposed to be included in the scheme is comprised, or by any other Council who may be interested in or affected by the scheme ; and shall endeavour, by conferences between the Local Authority or their officers and such owners, persons, or Councils and by any other means available, to secure the co-operation of such owners, persons, or Councils in promoting the scheme.

“ The Local Authority shall arrange for at least one meeting being held, at which all such owners, persons, or Councils as aforesaid shall be entitled to attend or be represented, for the purpose of considering the proposed scheme. Notice of the time and place fixed for such meeting shall be served by the Local Authority upon all such owners, persons, or Councils so far as they can ascertain the same, not less than fourteen days before the time fixed for the meeting.

“ The Mayor (if the Local Authority are the Town Council of a Borough) or the Chairman of the Council (if the Local Authority are the London County Council or an Urban or Rural District Council) shall be the president of the said meeting, or, in the event of the Mayor or Chairman being unable or unwilling to act, any person appointed for the purpose by the Local Authority shall be the president, or, in default of such appointment, the meeting shall choose some person present at the meeting to be president thereof. On opening the meeting the president, or a member or officer of the Local Authority, shall give such explanation of the proposed scheme as he thinks expedient.



It was, however, found by experience that the proceedings at this meeting were often of a confused kind. Owners and others interested in the meeting attended in the expectation that the actual details of the proposed scheme would be explained to them, and when they discovered that the only subject which might be discussed was that of the area of the scheme, some irritation was shewn.

An appeal was therefore made by the Birmingham City Council and other Local Authorities to the Local Government Board, urging that the procedure in this respect should be modified, and in view of the representations thus made the Board, under Article III. (b) of the new Regulations, rendered possible the alternative course of issuing a formal notice asking the landowners and others interested to confer with the Local Authority.

It is thus provided that

(b) The Local Authority shall either—

- (1) Arrange for a meeting being held at which all such persons as aforesaid shall be entitled to attend or be represented, for the purpose of considering the proposed application. Notice of the time and place fixed for such meeting shall be served by the Local Authority upon the prescribed persons and such other persons as aforesaid, if any, as in the opinion of the Local Authority might reasonably be interested, not less than seven days before the time fixed for the meeting. The Mayor (if the Local Authority are the Town Council of a borough) or the chairman of the Council (if the Local Authority are the London County Council or an Urban or Rural District Council) shall be the president of the said meeting, or, in the event of the Mayor or chairman being unable or unwilling to act, any person appointed for the purpose by the Local Authority shall be the president, or, in default of such appointment, the meeting shall choose some person present at the meeting to be president thereof. On opening the meeting the president, or a member or officer of the Local Authority, shall give such explanation of the proposed application as he thinks expedient ;

or

- (2) Serve a notice upon all such persons as aforesaid stating that if the person on whom the notice is served desires to confer with the Local Authority or their officers in regard to the proposed application for authority to prepare a scheme, the Local Authority will on being so informed be prepared to arrange for such a conference at some time within a period to be specified in the notice.

It is possible that where there are a great number of owners the best course for a Local Authority to adopt will still be that of calling a meeting, thus at one stroke fulfilling their responsibility. In other cases it may be found that separate conferences with owners or groups of owners will be the better course to adopt.

But whether conferences or meetings are held it is essential that both Local Authorities and owners should realise clearly that the subject matter for discussion at this stage is simply that of the area to be included in the scheme.

The scheme is not in existence, and Local Authorities should not make the blunder of requiring their officers to prepare the details of the scheme at this stage.

To take this course will be most unwise, as a number of Local Authorities have learned to their cost. When the work of Town Planning meant a kind of "leap into the dark," members of Local Authorities quite naturally desired to know what expense the preparation of a scheme would involve, and what the standards to be laid down under the scheme were likely to be, and as careful men they were inclined to defer the actual commencement of Town Planning work until their officers had prepared estimates of cost and had outlined the main features of the scheme.

But action of this kind is not necessary now that the pioneer work has been done by the Birmingham and Ruislip-Northwood Councils. It is possible now to gain a clear idea of the cost of a scheme based on the experience of these Local Authorities, and to place before the members of a Local Authority a definite statement of what a scheme may include.

With the publication of this information the need for the preparation of exhaustive suggestions as to the details of the ultimate scheme passes away, and attention can be concentrated on the real objects of the first stage, viz. : the preparation of the *prima facie* case to accompany the application for the permission to prepare the scheme.

It will be of service to those Local Authorities who decide to hold a meeting of owners and others interested, to give here a report, reproduced by permission from the *Middlesex and Bucks Advertiser*, of the meeting held in connection with the Ruislip-Northwood scheme—more especially as it gave such a clear and concise account of the objects to be attained by a scheme :—

The first statutory conference of owners of property and others interested in property, and the representatives of the Ruislip-Northwood Urban District Council with regard to the proposed Town Planning Scheme for Ruislip-Northwood, was held at the Church Hall, Northwood, on Wednesday afternoon, Councillor W. P. Edwards (chairman of the Council) presiding ; Councillors F. M. Elgood (chairman of the Town Planning Committee), A. T. Bucknall, and F. M. Sumpter, Mr. E. R. Abbott (solicitor and clerk to the Council), Mr. W. Louis Carr (surveyor), Mr. W. H. Scott (assistant surveyor), and Mr. T. H. Bird (assistant clerk) supporting. In the body of the hall were Alderman W. Thompson (Ruislip Manor Company), Mr. J. S. Birkett (representing Withers & Co., solicitors to King's College, Cambridge), Mr. U. A. Smith (Herts County Surveyor), Mr. J. S. Godsell (representing Herts County Council), Mr. J. Duncan Royal (Watford Gas Co.), Mr. F. H. Myers (Beaconsfield Urban District Council), Mr. Henry Stedall (Mount Vernon Hospital), Mr. F. Dawson (Metropolitan and Great Central Joint Railway Co.).

#### THE DUTY OF THE COUNCIL.

The Chairman said this was undoubtedly the first conference of the kind that had even been held in that district, and almost the first conference of the kind ever held in the country, so he was afraid they had no precedents for ruling how it should be carried on. Before he called upon Mr. Elgood, the Chairman of the Town Planning Committee, he would like to make a few remarks. He would be willing after Mr. Elgood had spoken to receive an expression of views from any gentleman present, but he did not think it would be advisable to have any resolution. No doubt the greatest question that presented itself, and which



was, perhaps, in the minds of some present that afternoon, was what had made the Ruislip-Northwood Urban District Council think of adopting the Town Planning scheme for the district of Ruislip-Northwood; and he thought if they considered first of all that they had an Act of Parliament put into the Council's hands, under which it was possible to prepare a proper scheme for the laying out of the undeveloped land in the district, they would not be surprised that they had at any rate made an attempt or were beginning it. He was confident that many present that afternoon could recall instances of public money being wasted, and not only that, but where private owners of land were unreasonably involved in lawsuits, in order to protect property from being ruined by ill-considered schemes of development by owners of adjacent land. If the Council, guided by their advice, adopted the proper scheme in respect to the land marked on the map before them, it would no longer be necessary for any owner of land to find after he had laid out an estate that the adjoining owner, without consulting him, had ruined the estate by erecting a factory or lots of cheap cottages alongside his property. One of the objects of the Town Planning scheme was directed towards confining to certain portions of a given area a certain class of property, to another portion another class, and another portion to recreation grounds, open spaces, &c. Surely it would be obvious that a district laid out in a well-thought-out and considered plan would effect great economy with regard to public expenditure, afford greater protection to those who had a financial interest in land, and tend to the greater health and happiness of the people who happened to live in the district. He ought to point out that those who owned or were interested in land and property would be consulted at every stage of the proceedings just as they were doing at that moment. They had passed the resolution in council deciding to adopt the scheme and make application to the Local Government Board for it to be set on foot; they had served notice to them and had afforded them the opportunity of expressing their views. It must also be remembered that if they asked why the Council put this matter into operation that the Council was really in this position: that the Act imposed upon the Council the obligation, by Section 61, by which the Local Government Board could order a Local Authority to prepare or carry out a Town Planning scheme as the case might be, and enforced this by a mandamus, which stated: "If the Local Government Board are satisfied on any representation, after holding a public local enquiry, that a Local Authority—(a) had failed to take the requisite steps for having a satisfactory town planning scheme prepared and approved in a case where a town planning scheme ought to be made; or (b) have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted; or (c) have unreasonably refused to consent to any modifications or conditions imposed by the Board; the Board may, as the case requires, order the Local Authority to prepare and submit for the approval of the Board such a town planning scheme, or to adopt the scheme, or to consent to the modifications or conditions so adopted." So they would see they would be failing in their duty if they had not brought this forward, seeing that they had 5,000 to 6,000 acres of land still undeveloped in the district, and for such they had one well-considered comprehensive plan for laying out the whole of the land.

#### POWERS AND PROCEDURE.

Mr. F. M. Elgood (Chairman of the Town Planning Committee of the Urban Council), in the course of a most able, lucid, and comprehensive address, said they might feel they were somewhat dry details, but on the other hand, as everybody in the room was undoubtedly personally and directly interested in the scheme, it would be incumbent on him to make a bold attempt to repeat the hard dry facts which to some extent must be dealt with. The Housing and Town Planning Act, he went on, came into force, and their Council lost no



time in taking the matter into consideration, and a committee was appointed and communications were immediately opened up with some of the large landowners in the district, asking them whether they had any views with regard to their land, recognising from the commencement that without their assistance and co-operation very little could be done. They (the Council) learned at once what was probably common knowledge, that the King's College, Cambridge, were considering, indeed, had gone a very long way towards making the arrangements for, a plan on a comprehensive scale to develop the whole of their property. Some of the Council then had interviews with the gentlemen connected with the scheme, with those that were going to develop the property, with the Local Government Board and others interested in the scheme. It being apparent that an early development of a considerable part of the parish was intended, and that this was an obvious case in which the advantages of the new Act could be secured, the Council determined at once to proceed with the application to the Local Government Board for authority to prepare a scheme. In the meantime, in May, the Local Government Board issued what was called the Town Planning procedure regulations, which provided (*inter alia*) "for securing co-operation on the part of the Local Authority with the owners and other persons interested in the land proposed to be included in the scheme at every stage of the proceedings by means of conferences, and such other means as may be provided by the regulations." Now that was really the keynote of all the work to be undertaken, and he would advise, certainly those who were particularly interested, to study these regulations, and especially he advised this to all owners who feared that their interests might be overridden, or that they might be taken by surprise and wake up one day to find the scheme cut and dried and established to their detriment—a totally unwarranted presumption. The President had explained what led up to the Act, and that the possibilities opened out were not experimental, as was evidenced by the completion of well-known schemes up and down the country, but on the other hand, the Act was new, it had not been tested, and it must not be expected that anyone, least of all himself, should be able to say definitely what could and what could not be done under it. He would say this, however, about the proposed scheme: It was not a municipal development scheme; it was not going to cover the district with buildings; it was not going to prevent building; it was not going to depreciate land values; it was not going to tax them; it was not going to be carried through in a hurry; and finally, it would not be satisfactorily carried through at all without the co-operation of those ladies and gentlemen who were landowners and were concerned. It was to secure this co-operation that this, the first, possibly, of many conferences, was being held. There had naturally been a good deal of doubt and misapprehension as to what it would mean, and he took the earliest opportunity to state clearly what it did not mean in the hope that possibly some of the latent or expressed objections might at once and for all be removed. He would give a short explanation of the Act as it applied to this particular scheme. Town planning was, as they knew, dealt with in Part II. of the Act, and it was comparatively short and simple. The opening Section—54—described tersely the object and defined the scope of the Act: "A Town Planning Scheme may be made in accordance with the provisions of this part of this Act, as respects (a) any land which is in course of development, or (b) appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connection with the laying out and use of the land and of any neighbouring lands." The sub-section 3 of this section, he went on, included a piece of land already built upon, or a piece of land not likely to be used for building purposes, if the Local Government Board were satisfied that such should be included in any town planning scheme. There was also a very important definition in sub-section 7 of what was "land likely to be used for building purposes," which on the face of it, seemed to need some defini-

tion. No doubt this would afford the necessary explanation to certain owners as to the reason of the lands being included in the scheme. "The expression 'land like to be used for building purposes,' " stated the sub-section, "shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a Town Planning Scheme, whether in the nature of a building work or not, and the decision of the Local Government Board, whether land is likely to be used for building purposes or not, shall be final." They would perceive from the qualifications expressed in the final words that the Local Government Board were the final arbiters as to whether land came within this description or not. As this Section 54 was the bedrock of a Town Planning Scheme, and in order that owners might each for himself apply one or the other definition to his own particular land, he would recapitulate the various descriptions of land which might be the subject of a Town Planning Scheme: (1) land in the course of development; (2) land likely to be used for building purposes; (3) land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds; (4) land already built upon; (5) land not likely to be used for building purposes; (6) land for the purpose of executing any work upon or under the land incidental to the scheme. He thought they would agree that the Council would not fail to spread wide its net having regard to the necessary magnitude of the scheme and its possibilities and requirements. In dealing with the classes which gave effect to this general section he would only describe such parts as were applicable to their particular scheme, which was one intended to be prepared by the Local Authority, and not one prepared by one or more owners of land and adopted by the Local Authority. The Council felt that could not be advisable, indeed hardly possible, having regard to the many land-owners who would necessarily have to come under the scheme.

#### OWNERS AMPLY SAFEGUARDED.

The Local Authority, *i.e.*, the Urban District Council, had to satisfy the Local Government Board that there was a *prima facie* case for a Town Planning Scheme at all. This they had not yet done, as application to the Board could not be made until notice had been served on all owners, a map deposited, and the conference held. Here they would see the first safeguard for owners against any undue haste. If they failed to make a *prima facie* case, then nothing more would be heard of the scheme, and their trouble would be spent in vain. He had not such fear, however. One could hardly conceive a case where there was greater scope—indeed, necessity—for a comprehensive scheme of future development than in that extensive and largely unbuilt-upon parish, with its natural beauties, proximity to London, traversed with railways and with five railway stations within its boundaries. It seemed most probable that before dealing with the application, the Local Government Board would hold a local enquiry, which they were enabled to do under the Act. The next step to be taken if the Local Government Board gave authority to the Council to prepare a scheme was to again serve notices informing owners whose land was proposed to be included in the scheme. Then would occur another opportunity for all affected to make representations or objections, which would be considered by the Council in the first instance, who will proceed to consider the development of the scheme. Amongst the more important matters with which the scheme would probably deal would be, first, a system of main roads to meet the requirements of present and future traffic. Then there would be the definition of certain other main arterial roads; variation or extinction of public rights-of-way; allocation of special areas for factories and businesses; provision of sites for public buildings, open spaces, recreation grounds, and allotments, &c.; the preservation of places of beauty, points of view, and any buildings or spots of historic or antiquarian interest; the



arrangement of houses of various classes having regard to the amenities to be provided ; limitation of the number of houses per acre ; definition of the lines of frontage ; and supervision of certain bye-laws and regulations. These and many other points would be found enumerated in the 4th and 5th schedules of the Act and would be the subject of general provisions prescribed by the Board, which had not yet been issued. It was assumed that separate sets of general provisions adapted to areas of special character would also be prescribed under Section 55.

## MORE ELASTIC BYE-LAWS.

One of the most important provisions in the scheme would be that which allowed greater elasticity in the administration of the bye-laws. This would enable Local Authorities to secure valuable economies in regard to character and width of subsidiary and residential roads, and other development expenses, in exchange for large open spaces and gardens and width of main roads. This stage of the preparation of the scheme was without doubt the most important, and it was here that the Council would ask owners, particularly those who had any idea of developing their land, to take them into their confidence and give them their assistance, and particularly for this reason. The scheme would no doubt provide two classes of work, one which would be made the Council's or any other person's duty to execute, and that which the scheme merely required to be executed in a particular position or in a particular way if executed at all. He would assume, therefore, that it would only be in the case where landowners contemplated early development of the property that the Local Authority would develop the land at all in detail, but in any case their suggestions would be warmly welcomed by the Council, and it would be possible for them to bring together various owners so as to ensure that what was proposed might be to their mutual advantage, as well as to the benefit of the community. Even when the scheme was finally settled and approved, it was not necessarily final, and might be varied or revoked by a further scheme prepared either by the Council, or by one or more owners and adopted by the Council, and thus would be given the opportunity of filling in, in detail, the blank areas left in the original scheme. Proceeding to speak on the acquisition of land and compensation, Mr. Elgood said the Act empowered the Council to purchase land for the purpose of the scheme by agreement or compulsorily, subject to the approval of the Local Government Board, and in the event of a dispute as to compensation, the question had to be decided by a single arbitrator, who had to be an impartial person, not in the employ of a Government department, and appointed by the Board. There had been, they would remember, a great deal of controversy on this point, and this final settlement was by the House of Lords. There were also provisions as to public enquiries being held in the case of objection. He need say nothing more on this point, for he felt sure it would be admitted by all who knew the record of the Council that their principle was that of persuasion rather than that of compulsion.

## THE QUESTION OF COMPENSATION.

If the Local Government Board consider the provisions reasonable, no compensation was payable in respect of prescribing the space about buildings or the limitation of the number of buildings to be erected or their height and character, with a view to securing the amenity of the area included in the scheme. Speaking generally, it would be safe to say that no owner need fear that any of his property would be acquired or interfered with without his receiving adequate compensation. When all objections to the preparation of the scheme had been considered and dealt with, and the scheme was prepared, a draft had to be printed and a map deposited, and notices again served on owners who would be given a third opportunity to make objections or representations. It would then be the



duty of the Council to hold another conference such as that one, or as many as might be necessary to secure co-operation in promoting the scheme, and when all difficulties had been smoothed away, and it might be hoped that everyone affected had reached the highest pitch of enthusiasm and anticipation, the Council would at least have the satisfaction of submitting to the Local Government Board application for approval of a scheme as made, when they would have to submit further particulars under no less than sixty-eight heads. He mentioned these facts so that no one might leave the room without realising the enormous amount of care and trouble the Local Government Board imposed upon Local Authorities to ensure the accurate carrying out of their regulations. The Board might approve of the draft scheme, with or without modification. If the former, notice had again to be served on owners with copies of the draft order of the Board, and a fourth opportunity was given to make objections or representations with regard to the modifications and conditions, but this time the objections would not be made to the Council, but direct to the Local Government Board. When the final approval of the Board was given, statutory effect was given to the scheme, but before that a further notice had to be served, and then occurred the fifth opportunity of making objections. Peradventure, if one single person interested be found to still nurse a grievance, so tender was the legislature for the liberty of the subject, that he had a last and sixth opportunity of making his objections known as the scheme was laid before each House of Parliament for thirty days, and if either House present an address against the scheme the whole thing falls to the ground—subject, nevertheless, to an important proviso, viz., that they (the Council) might begin again! He was very grateful, he said in conclusion, for the attention they had given him in his explanation, and he hoped he had sufficiently disclosed three things: first, that there would be no undue haste in forcing the scheme through; second, that owners had every opportunity of making representations; and third, that without the co-operation of the owners a comprehensive scheme was practically impossible. It would probably be reserved for some future conference at a later stage to prove, if any doubts existed, that no owner had anything to lose by the scheme, but that, on the contrary, his interests would be studied and advanced by its co-operative principles.

#### SYMPATHY OF KING'S COLLEGE.

Mr. Birkett (of Messrs. Withers & Co.) said he had been asked by Mr. Grant, Bursar to King's College, Cambridge, who had 1,300 acres being dealt with under the scheme, to express to the Council their great sympathy in their Town Planning Scheme, which he felt would be an advantage not only to the College, as landowner, but also to every landowner in the district. Mr. Grant wrote to say that he had for 15 years been considering the question of a direct path across from Ruislip to Northwood; as he understood it, at the present time they had to go round the road over Duck's Hill (a very steep hill). He therefore always thought that if some comprehensive scheme could be devised it would be possible to have a good through road between Ruislip and Northwood, and his own idea was that it might follow the lower side of Copse Wood, avoiding the hill altogether. He understood that there was a suggestion that the road be made on the other side of the reservoir; but that was one of the points which the Council would have to consider in connection with the Town Planning Scheme. Mr. Grant also felt it would be desirable if there could be a road across about the middle of Park Wood, going from east to west, as this would be of advantage to the neighbourhood. The only point he had to put that day was in reference to a suggestion of a road from Northolt Junction right to Northwood. They (the King's College authority) were a little afraid of any very broad avenue being made, down which tramways or motor-cars could pass. However, he understood that nothing of that kind

could be done without consulting with the College as owners of the estate. Proceeding the speaker said as representing the owners of 1,300 acres, he would like to say that the Town Planning Scheme seemed to be such that residents and landowners would do well to support. He was connected with the Hampstead Garden Suburb, which was only a small affair. About four years ago 240 acres had been bought at Hampstead and the garden suburb laid out. At that time there was no Town Planning Act, and they had had to go to the expense and trouble of a private Parliamentary Bill in connection with their scheme. They had voluntarily limited the number of houses per acre, to ensure as much fresh air as possible and large garden space, and in return Parliament allowed them to make subsidiary and bye roads where there was no through traffic, 20-ft. wide. They calculated that this effected a saving of £10,000 in road making alone, and the people had nice gardens instead of miles of metal. Under the Town Planning Act they would be able to do all this without any expense such as they had incurred with regard to the private Act. From the point of view of landowners they ought to support the scheme.

Mr. J. T. Sly asked who "paid the piper" for all the conferences and consultations, &c.

The Chairman: Mr. Sly will understand we are not paid. (Laughter.) I believe any expense incurred in developing the Town Planning Scheme is a public expenditure under the Public Health Act.

Mr. Sly: Falls on the ratepayers?

The Chairman: That is right.

Mr. Lomas, a resident of Hertfordshire, inquired why the Council were taking in a small piece of Hertfordshire into the scheme.

The Chairman explained that Northwood was stuck right up in the corner, and the piece of land referred to was practically a portion of Northwood; or at any rate the interests of that portion were bound up closely with the interests of Northwood. Of course if the Hertfordshire people wished the Council to leave the piece out, they would be pleased to consider it, if they were assured that they (in Hertfordshire) were preparing a scheme and would include that piece. They could not leave a piece of land so close to their borders to develop promiscuously.

Mr. Lomas: It might divert that piece into the parish of Ruislip-Northwood, and we should lose a certain amount of rateable value.

The Chairman: That question really does not arise under a Town Planning Scheme.

Mr. Lomas: No, but it might follow.

Mr. H. Mansford (Ruislip) wished to point out, in connection with the remark about expense, that under a proper scheme the value of land was likely to be maintained, and perhaps increased, and the expenditure would be more than repaid in years to come. If a neighbourhood was allowed to grow up in an erratic and unregulated way like Wealdstone and Willesden, then the value of property tended to fall.

#### ALDERMAN THOMPSON'S VIEWS.

Alderman W. Thompson, of Richmond, Surrey, who represented the Company formed to develop the estate of the King's College, then addressed the meeting. He said, under the Town Planning Scheme the estate would be so built upon and developed as to assure that it would have agreeable conformity with plenty of open spaces, with houses that were so built as not to depreciate the property of adjoining owners, and such as would provide for the amenities of life in a better way than a great many of the new suburbs had done in days gone by. This estate involved perhaps one-third of the whole area which would come



under the town Planning Scheme, and had they no prepared scheme, they, the owners of the estate, would be able to cover the whole of the area up with jerry-built cottages, 40 to the acre. Under a Town Planning Scheme such a procedure would be impossible. They took the view that this land ought to be protected from any abuse of it in such a way as he had indicated, and they were giving every adjoining owner an opportunity of objecting if the land were put to such a use as to depreciate that adjoining property. A great many people put money into building plots, and had a sentimental as well as a monetary interest in certain land, and such ought to be protected. They welcomed this Act which protected them from those who would make objectionable use of land as to destroy the value of other people's property, and on the other hand, it protected other people against them. In fact, it compelled landowners to follow a system of give and take. On behalf of these owners he ought to say how much they appreciated the public-spirited way in which the Ruislip-Northwood District Council had taken the matter up, being one of the first Councils in England to take advantage of the Act for the protection of property, the amenity of the district, and the general welfare of future residents, who in days gone by were, perhaps, left too much to fend for themselves. He also had to compliment Mr. Elgood on the way in which he had made his address, putting into a simple and compact form the details of a complicated matter, in quite an interesting way. He congratulated the District in having capable gentlemen in charge of their affairs who had first a thorough grip of the Act and the ability to put into a few words the principles of an Act which itself took up a large number of volumes. Having pointed out that the Council could only lay down general rules and conditions with regard to the laying out of the estate, the general conformity of roads, the number of houses to an acre, the number of open spaces, and the restriction of a certain class of house to a certain area, the speaker told the meeting that they had put by £500 premiums for competition among architects to draw up plans, and these by the best men in the country. These would be at the disposal of the Council and all interested in the scheme. They could not go into detail, but must find out whether it was desirable for them to proceed, and take stock of what had to be done with that large area of land, how best to connect between districts and estates, and how to protect the general interests in the district. He went on to refer to Richmond, Surrey. What could they have not done, and how much it would have paid them could they have had a Town Planning Act 20 years ago. It would have paid owners of property, putting a quarter of a million pounds into their pockets, if they had had that privilege then of protecting their property. He spoke of the beautiful district, with its lovely park and natural beauties, covered up and spoiled by cheap cottages in continuous lines. There was the view from Richmond Hill, one of the most beautiful in the kingdom, and to save that view they had to buy out the owner of a river island who had threatened to build a factory there. These things they had no protection against before the Act came along. They had spoken of taking in a piece of Hertfordshire. Well, at Richmond they had taken in a part of Middlesex; they were bound to take a piece along the riverside. Twickenham and Mortlake had come into the scheme. If they wanted to have an object lesson of how a fine district could be spoilt, they had better go to Richmond; there Nature did everything, of which man had done so much to spoil.

Mr. Davies thought they in Northwood ought to take in a bit of the Hendon rural area. There was Pinner quite near, and the people living at the other side of Park Wood would find it easier to go to Pinner than to come to Northwood. Possibly in time they would have another railway station between Pinner and Northwood. Friends of his had been rather surprised that he lived in Northwood, as it was such an ugly place, and he thought they should bear in mind, in making out a scheme, that the railway-station was always a sort of "shop-window" of the district. He contended that the railway station



and the property around should be attractive. He hoped the scheme would go through, and before he was dead—(laughter)—and that everyone would give their assistance to get it through. In concluding, he asked if, in respect to main roads, which were not exclusively for the use of residents in the district, they would get a Government grant or would the cost all come from adjacent owners.

Mr. France wished to know what would happen if the regulations as to development under the scheme came into conflict with the conditions of title deeds—which would have to give way?

Mr. Elgood said he did not think there was the slightest question that anything in the scheme would override any covenants on land. But he could not imagine that they would come into conflict.

The Chairman referred to Section 58 of the Act which states: "Any person whose property is injuriously affected by the making of a town planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the approval of the scheme is published in the manner prescribed by regulations made by the Local Government Board, be entitled to obtain compensation in respect thereof from the responsible authority."

Mr. Godsell (representing the Herts County Council) asked if the Chairman of the Town Planning Committee had any definite information with regard to the local inquiry he referred to in his speech.

Mr. Elgood said nothing more definite than he had stated.

In answer to Mr. Lomas, the Chairman said the piece of Watford rural district proposed to be included in the scheme was about 50 acres in extent.

Mr. Hope said he came to ask two or three questions, but after Mr. Elgood's most able and very explicit explanation it was almost unnecessary to speak.

Mr. Coles proposed a vote of thanks to the Chairman and to Mr. Elgood, which Mr. Lomas having seconded, was carried with applause and the conference closed.

## THE CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS.

Before making their formal application to the Board the Local Authority must consider any objections and representations made to them and must endeavour to deal with these objections and to secure the co-operation of those raising these objections and representations.

This is required under Article III (a):—

ARTICLE III.—(a) The Local Authority before making an application to the Board for authority to prepare a scheme shall consider any objections or representations made to them in writing in reference to the proposed application for such authority, whether by the prescribed persons or by any other persons or bodies interested in the land to which it is proposed that the application shall extend or in any neighbouring land which might be affected by the making of a scheme for the first-mentioned land; and shall endeavour, by conferences between the local authority or their officers and such persons, to secure co-operation in regard to the proposed application.

When these conditions have all been fulfilled, and when the required period of four weeks has elapsed, the Local Authority will be in a position to make formal application to the Board for permission to prepare the scheme.

# FORMAL APPLICATION TO THE LOCAL GOVERNMENT BOARD FOR PERMISSION TO PREPARE A SCHEME AND ADVERTISEMENT GIVING PUBLIC NOTICE OF SUCH APPLICATION.

Copies of these forms will be found in the Appendix. (Chapter on Procedure Regulations, Forms and Notices, &c.)

## MAP (No. 2) AND INFORMATION TO ACCOMPANY THE APPLICATION TO THE LOCAL GOVERNMENT BOARD FOR PERMISSION TO PREPARE A SCHEME.

Under the first series of Regulations (now superseded) the Local Government Board required the Local Authority to furnish a number of details. These details were defined under Article VI. of the old Regulations, as follows :—

“ There shall be shown on Map No. 2 the lines and widths of the principal roads which the Local Authority propose shall be made as part of the scheme, the connections of the proposed roads with existing roads, and the lines of any existing sewers or any existing pipes or mains for the supply of water, gas or electricity. Any existing roads or ways which it would be necessary to stop up or divert shall also be indicated on the said map, and if the Local Authority contemplate that the scheme to be prepared shall provide for certain areas being used for the purpose of open spaces or for other special purposes those areas shall as far as possible be indicated on the said map.”

Directly these Regulations were issued it was recognised that if all these conditions were fulfilled it would in effect be necessary for Local Authorities to prepare the main details of their schemes before permission to prepare them had been secured, and it was decided at a Conference of Local Authorities held by the National Housing and Town Planning Council, to send a representative deputation to the Housing and Town Planning Comptroller, with the result that the following report was issued :—

At an interview between representative members of the National Advisory Town Planning Committee and Mr. J. A. E. Dickinson, the Comptroller of the Housing and Town Planning Department of the Local Government Board, held at the Offices of the Board, on Monday, November 28th, 1910, the various points raised by the Conference on Town Planning Regulations held on July 26th, 1910, were carefully considered.

The members of the Committee submitted the following points of difficulty :—

- (1) That the Regulations governing the preliminary procedure relating to application for permission to prepare a scheme seemed to require such particulars as could only be given when a scheme had actually been prepared in some detail.
- (2) That especially many of the particulars required by the Regulations in Articles VI., VIII., and X., were of a character which it would be premature to determine at the early stage of application for permission to prepare a scheme and that any attempt at this stage to give an estimate of the cost of carrying a scheme into effect would necessarily be inaccurate and might endanger the success of the scheme.



- (3) That to comply with the requirements of Article VI., requiring at this preliminary stage a statement to be made in regard to the lines and widths of the principal roads proposed to be made under a scheme, would unduly hamper the proper consideration of the scheme at a later stage, and would render subsequent modification and negotiation with landowners more difficult.
- (4) That in reference to Article VIII. (d) it did not seem necessary or practicable at the preliminary stage to determine how far sewerage and sewage disposal works would need modification or extension.
- (5) That in some cases the obligation to serve notices under Article I. upon all occupiers, of whatever tenure and interest, would be cumbersome and costly and, to a large extent, unnecessary.
- (6) That it would be advisable to draw a distinction in procedure between schemes prepared by a Local Authority and schemes prepared by landowners and adopted by a Local Authority. In view of the fact that in the latter case the schemes thus agreed to and adopted by the Local Authority would then in effect be fully prepared schemes, certain parts of the procedure would seem to be unnecessary and should if possible be greatly simplified.

(1) The Comptroller in reply to (1) explained that the Local Government Board desired to assist Local Authorities in every possible way in the preparation of Town Planning Schemes, but they considered that they were entitled to have from Local Authorities at the outset the whole of the facts and information which were in their possession, relevant to the tentative proposals which the Local Authorities had under consideration, as well as a general indication of the outlines of the proposals. Amongst other things this would have the advantage of placing the Board in a better position to render assistance.

The Board in effect required Local Authorities when applying for permission to prepare schemes to send with their applications outlines of their tentative proposals in so far as these had been put into shape. Attention was drawn to the Board's Circular Letter of 3rd May, 1910, in regard to this matter.

(2) With regard to the question of estimates, the Comptroller stated that the Board fully recognised that it would not be practicable in all cases for a Local Authority at this preliminary stage of the proceedings to furnish accurate estimates of the cost of carrying a Town Planning Scheme into effect, especially with regard to compensation.

The Board considered that the Act contemplated that some estimates of the cost of a scheme (and not merely the cost of preparing a scheme) should be prepared at this stage, and they were also of opinion that a local authority would desire to have for their own information, before embarking upon the preparation of a scheme, some general estimate of the cost likely to be incurred by the authority and imposed upon the ratepayers, and it was this estimate—so far as the Local Authority could arrive at it—which the Local Government Board would require.

The Comptroller further pointed out that under the terms of Article X (a) the estimated cost was to be stated "as nearly as may be practicable."

(3) With reference to the question of showing the lines and widths of the principal roads, the Comptroller pointed out that in a great many cases the necessity for or desirability of certain new links of communication would be an important, if not the chief factor in the inception of a scheme, and would often have a material bearing on the precise area which should be included in the scheme; and in those cases, and also in some others, the desirability of linking up certain points would determine, within certain limits, the lines of the roads.



In such cases and in other cases where a Local Authority had, before making application for permission to prepare a scheme, given consideration to the desirability of constructing main thoroughfares, the Board would desire to have the tentative proposals of the Local Authority shown on Map No. 2.

The showing these proposals on Map No. 2 was solely for the purpose of communicating to the Local Government Board the preliminary ideas of the Local Authority and did not commit the Local Authority in any way to the scheme of roads thus outlined. Map No. 2 was not one of those required by the Regulations to be formally deposited for public inspection, though Article XXXII. (b) was applicable to it.

The Board would moreover not in any event insist on roads being shown as definitely fixed, and would accept dotted lines on Map No. 2, or even an indication that it was proposed to construct a road between two definite points without showing the actual line of the road. The Board simply wished to know what projects the Local Authority might already have in contemplation as probable or desirable. If it was contemplated that the scheme would not provide for the making of roads of the character referred to it would not be necessary to show any such roads on the Map No. 2.

(4) In reply to (4) the Comptroller stated that the only information the Board would require under the provisions of Article VIII. (d) with respect to the effect of a proposed scheme on the existing system of sewerage and sewage disposal would be such facts as the Local Authority could readily give to enable the Board to appreciate the relation of the area comprised in the scheme to existing sewerage facilities. It is considered desirable that such information should be available at this stage of the procedure, especially perhaps in a case of an application relating to an area extending into two or more districts.

(5) In regard to (5) the Comptroller said that the Board could not entertain a proposal to omit entirely from Article I. the requirement as to notice to occupiers. Obviously in very many cases occupiers of land or premises included in a scheme would have substantial interests, and the Act clearly required that persons interested should have the opportunity of being heard at every stage. But when it is shown to the Board that the interests of occupiers are of a temporary character, *e.g.*, where the tenancies are terminable on very short notice, the Board are willing to consider an application under Article XXXIV. for dispensing with notices on that class of occupier.

(6) In reply to (6) the Comptroller explained that the Act did not recognise any distinction in procedure between a scheme prepared by a Local Authority and a scheme prepared by an owner and adopted by a Local Authority, but seemed to contemplate similar procedure.

If a scheme proposed by an owner related only to his own land, it would not follow that the interests of adjoining owners or other persons would not be affected. They might be affected materially. Moreover, an owner might prepare a scheme dealing not only with his own land but also with lands of adjoining owners, and a variety of interests might be affected just as if the Local Authority were preparing the scheme. The provisions of the Act in regard to compensation and betterment would require the careful consideration of the Local Authority whether they prepared the scheme or adopted an owner's scheme, and in this connection the fifth paragraph of the Board's Circular Letter of the 3rd May, 1910, should be noted.

It was not evident that it would be possible to modify the Regulations in regard to the adoption of owners' schemes generally, but in a case where a Local Authority applied for permission to adopt a well considered and complete scheme, it might be possible for the Board,

on an application to them under Article XXXIV., to modify the procedure in the later stages. It would be a matter for consideration on the merits of the particular case how far this could be done consistently with the provisions of the Act and the proviso to Article XXXIV.

## ADDITIONAL.

The Comptroller finally emphasised the fact that the Regulations were drawn so as to be of general application, and stated that the Board would at all times have regard to the special circumstances of any particular case, and where good cause could be shown they would sympathetically consider applications made under Article XXXIV. for dispensing with or varying any requirement of the Regulations which could properly be dispensed with or varied, having regard to the provisions of the Act and the proviso to the Article referred to.

It should, in justice, be added here that at every stage in the difficult work of administering the Act the Housing and Town Planning Comptroller—Mr. J. A. E. Dickinson—has been most painstaking in his efforts to help Local Authorities, and it is due to the desire of the Local Government Board to simplify still further procedure under the Act that the following Regulation (amending the Regulation quoted above), was inserted in the new series of Regulations :—

“ The said Map (No. 2) shall show clearly by means of boundary lines defined in colour the area of the land to which the application extends, distinguishing between the parts of the land included within the area of the Local Authority and within the area of any other Local Authority. If the area of the land includes any piece of land already built upon or any piece of land not likely to be used for building purposes, any such lands shall be indicated on the map by distinctive colours and any necessary reference notes, and there shall also be shown on the map in like manner the positions of any buildings which have been erected on the land or of any buildings which are in course of erection.”

It will be seen that the detailed information asked for in Map No. 2 under the first Regulations is not now required.

Under Article IV. (d) the information required to be placed on Map No. 1 may now be added to Map No. 2.

(d) The Map No. 1 prepared and deposited under Article II. may, if the local Authority think fit, be used for the purposes of Map No. 2 : Provided that, if it is so used—

- (1) It shall be marked “ Map No. 1 and Map No. 2 ” ;
- (2) It shall not be altered in such a manner that it would cease to show the precise area originally shown thereon under Article II., and if the area to which the application for authority to prepare a scheme extends does not include the whole of the area so shown on Map No. 1 the part excluded from the application shall be indicated on the map ;
- (3) A statement shall be made and signed on the face of the map showing precisely what part or what features of it constituted the original Map No. 1 ;
- (4) The sending to the Board of a copy of the combined Map No. 1 and Map No. 2 shall satisfy the requirements of these Regulations as to sending a copy of Map No. 1 and a copy of Map No. 2.

The information to accompany the application, and Map No. 2, is defined in Articles V. and VI. of the Procedure Regulations (*vide* Appendix).



## THE LOCAL GOVERNMENT BOARD ENQUIRY.

In due course an enquiry is then held by the Local Government Board, and it will be of service to give here a report of one of the many enquiries held by Mr. Thos. Adams, the first Town Planning Inspector to the Board.

The Report of the Enquiry held at Sheffield on July 17th, 1912, is given, as at this Enquiry Mr. Adams laid down very clearly that the purpose of the Enquiry was not to deal with the standards to be adopted in the scheme, but to determine whether the land should be town-planned or not.

This report is reproduced by kind permission of the *Sheffield Daily Telegraph* :

The meeting was attended by representatives of Local Authorities from London, Liverpool, Leeds, Birmingham, York, Newcastle-on-Tyne, Halifax, Stockport, and Rotherham, and by many Sheffield landowners and other persons interested in the scheme. The inquiry was conducted by Mr. Thomas Adams, Local Government Board Inspector.

The application concerned three areas. No. 1 area comprises Greystones and Bannerdale, an approximate area of 490 acres ; No. 2 is the Sandygate area, consisting of about 104 acres ; whilst No. 3 is the Firth Park, Wincobank, and Shiregreen area, containing about 527 acres. In this last and largest area the Corporation have succeeded in coming to an arrangement with the local landowners upon their scheme, but in regard to the other two areas there was some slight opposition yesterday. The opposition, however, was not to a Town Planning Scheme in itself, but to some of the details of the draft scheme that the Corporation have submitted to landowners. The Inspector pointed out to the objectors that the inquiry was only an initial one to consider whether the preparation of a scheme was desirable and not to consider the methods by which it should be carried out. The details of the scheme will be gone into at a subsequent inquiry if permission is given in the first place for the Authority to proceed. This intimation considerably shortened the inquiry.

The case for the Corporation was presented by the Town Clerk (Mr. R. M. Prescott). Mr. Jonathan Barber (Messrs. Watson Esam, and Barber) represented Mr. W. H. Greaves-Bagshaw, the owner of the Bonner Cross Estate, which includes the Greystones property, and Mr. Ernest Carver, the owner of the Bannerdale Estate ; Mr. F. H. Wrench and Mr. J. C. Bennett appeared on their own behalf ; and Mr. W. E. Dyson represented Mr. A. Schofield.

## OBJECTS OF THE SCHEME.

THE TOWN CLERK explained that all the land concerned was in course of development, or appeared likely to be used for building purposes. The Corporation started out with the fixed desire to secure the co-operation of all owners. He detailed the endeavours that had been made to carry out this desire and said that with the exception of about three cases, all objections had been withdrawn and negotiations were now in progress with the owners with a view to an agreement being arrived at.

The Corporation's reasons for suggesting that there was a *prima facie* case for a Town Planning Scheme were that the land was ripe for building purposes ; that it was owned by many persons and thus each plot could only be developed in relation to the adjoining plots by a planning scheme. The development of the land abutting on each area nearest to the city had been developed under the Public Health Acts and the by-laws. If this method was to be altered it could be done only under a scheme. It was a little difficult,



he said, to make their friends outside the Town Planning Committee understand that town planning was not town improvement. There could be no doubt that the number of houses built to the acre should be less than the number which it was possible to secure under by-laws.

It was desired to preserve the pleasant features of the land to be developed, to increase the space about the buildings beyond the previous by-laws, and to secure through streets with gradients as easy as possible. He did not propose to deal with the question of cost that day. The Council had their own views on the matter, and the Town Planning Committee had not been unmindful of certain figures which had been under their consideration, and they would be glad to supply the Board with their views, if it was desired.

Evidence with regard to No. 1 scheme was first called.

#### THE GREYSTONES AREA.

ALDERMAN H. K. STEPHENSON, as Chairman of the Improvement Committee and the Town Planning Sub-Committee, bore out the points made in the Town Clerk's opening statement.

MR. BARBER questioned him with a view to showing that the Greystones Estate was not suitable for town planning. He asked him if he could suggest why the proportion of houses to the acre in the draft scheme should be put at twelve in the Bannerdale Estate, whilst in the Greystones Estate it was twenty.

THE INSPECTOR disallowed the question. They could not go into questions of the kind at that inquiry. The question they had to deal with was whether the land should be town planned or not; if they were going to decide the method by which it was to be town planned, then obviously the object of the inquiry would be futile.

MR. BARBER said he should like to develop his point in his own way.

THE INSPECTOR: If the Corporation have gone further than the question before us to-day, that is really a matter they will have to negotiate with you later.

THE TOWN CLERK: Negotiation purely.

MR. BARBER: I will put it another way. Do you consider the Bannerdale portion of the scheme could be treated as of the same character as that in the Greystones portion?

ALDERMAN STEPHENSON: I think some portion of the Bannerdale district and part of the Greystones district ought to be treated on the same lines. I don't think the whole of the Greystones district ought to be treated in the same way.

MR. BARBER: Do you think these two portions of the area can be considered as of the same character?—Not entirely.

MR. BARBER: In other words, the Bannerdale portion you would consider much more suitable for town planning than the Greystones portion?—No.

Which would you consider more suitable?—I consider the whole area suitable.

ALDERMAN STEPHENSON mentioned that he did not agree with the limitation of twenty houses to the acre in the Greystones area. He considered that the portion of the Greystones property outside the area to the north had been very much over-developed.

MR. BARBER: Would you think anyone would be likely to build houses within the Greystones area of a greatly different class to those already built outside?—You mean an improved class—yes.

MR. BARBER: I put it the development of this portion of the Greystones estate having proceeded so far, it is very unfair to alter the scheme of development we have been going on in the way the Town Planning Scheme would be bound to do, that you should draw a line, and cause a very considerable alteration in the style of building in the area as compared with that outside.

ALDERMAN STEPHENSON : I am afraid I look at it from a rather different standpoint. I have a long memory of that part of the country, and so far as I am concerned I think the development of that estate has not been on satisfactory lines, and I consider that if the city authorities can do anything to improve the nature of the development as regarded the remaining area, it is their duty in the public interest to do so.

#### A BUFFER AREA.

MR. BARBER : Disregarding altogether what the owner of the land or the builder may suffer ?

ALDERMAN STEPHENSON : It is the duty of the city authorities to look after the interests of the community first, but so far as we are concerned, it is our desire the landowner should not suffer.

MR. BARBER : Do you think it a fair thing the owner of this property should be treated in this way ?—Yes, I think it is a proper thing.

Do you think it fair ?—Yes.

MR. BARBER : I am suggesting to you it is the wrong point to draw the line.—I suggest you are more frightened than hurt.

MR. BARBER explained to the Inspector that they had developed their estate up to a point in accordance with the by-laws, and then came the proposed scheme which drew a line at the immediate limit of their houses, and apparently intended to make something very different from what they had been going on before. He submitted in a case of that kind there ought to be a "buffer state" between the developed district and the new area.

ALDERMAN STEPHENSON intimated that while they did not agree to a "buffer state," the Committee might agree to a "tailing off."

THE TOWN CLERK pointed out that what was subsequently agreed to must be of the nature of a compromise.

ALDERMAN STEPHENSON made it clear that the Corporation would strongly object to any part of the area being excluded.

Evidence of a similar character was also given in regard to No. 1 area by Alderman Marsh, Councillor Irons, and Mr. C. F. Wike, the City Engineer.

MR. BARBER said he did not admit that the area alluded to by Alderman Stephenson was being over-crowded. In planning the estate they had gone upon the principle of improving the character of the houses as they had gone up the hill until when they got close to the area intended to be improved the houses were of a better character than those lower down. If that principle were adopted they were quite willing to agree to the scheme, but they objected to any violent change. He did not now ask that any portion of the area should be excluded from the scheme.

MR. E. M. GIBBS said that at the public conference with landowners and others interested, he suggested the enlargement of No. 1 area by the inclusion of a piece of land to the east for the purpose of providing for a much needed ring road. Alderman Marsh then replied that as it was partially built upon it would not be included. He asked if a piece of land could be included under the power conferred by the Local Government Board.

THE INSPECTOR said the Board had no power to make any addition to the area. The words used in the section "may authorise" presupposed an application. The Corporation would have to make a special application for that area.

## PUBLIC-SPIRITED LANDOWNERS.

Evidence was then called in regard to No. 2 area.

ALDERMAN MARSH said building was about to be commenced on the north side facing Stannington, which probably would be a working-class district, whilst most of the opposite side facing Fulwood had been built on.

MR. WIKE mentioned that it was proposed that trackless trams should run right through the area.

MR. BENNETT explained his curious position as a part owner of  $9\frac{1}{4}$  acres of land, in the centre of which was St. Stephen's Recreation Ground, a patch of  $2\frac{1}{4}$  acres in extent. Their holding had a frontage of 384 yards to Manchester Road, which it was proposed to widen to eighty feet. If half of this extension was taken off their land it would leave the strip too narrow to build decent houses on. The recreation ground was held by a limited company, but it was intended to keep it as an open space.

THE INSPECTOR said he thought Mr. Bennett might be left to the mercy of the Corporation.

ALDERMAN STEPHENSON said they were quite prepared to take the matter into consideration.

MR. F. H. WRENCH also raised the question of compensation in regard to the Manchester Road strip, but the Inspector declined to consider it at that stage.

THE TOWN CLERK paid a high tribute to the attitude of landowners in regard to No. 3 scheme.

ALDERMAN STEPHENSON said it was desirable that land adjoining the large works should be developed for workmen's dwellings on lines different to those which had obtained up to the present.

COUNCILLOR IRONS said that with regard to this particular area they had received more co-operation from the landowners than in any other part of the city.

The inquiry then closed.

## LOCAL GOVERNMENT BOARD ORDER GRANTING PERMISSION TO PREPARE A SCHEME.

The following is a copy of the Local Government Board Order granting permission to the Chesterfield Council to prepare a Scheme :—

*Copy.*

HOUSING, TOWN PLANNING, ETC. ACT, 1909.

BOROUGH OF CHESTERFIELD.

We, the Local Government Board, in pursuance of an application made to us, by a resolution passed on the tenth day of July, 1911, by the Council of the Borough of Chesterfield (hereinafter referred to as "The Council") do hereby, under the provisions of Sub-Sections (2) and (3) of Section 54 of the Housing, Town Planning, &c. Act, 1909, authorise the Council to prepare a Town Planning Scheme with reference to the land (including land already built upon and land not likely to be used for building purposes) included in an area situate within the said Borough, which area is described in the aforesaid resolution and is shown on the Map No. 2 referred to in that resolution :

AND WE do further authorise the Council, in the preparation of the Scheme as aforesaid, to provide therein for the demolition or alteration of any buildings on the land included in the said area, so far as may be necessary for carrying the scheme into effect.

Given under the Seal of Office of the Local Government Board this Sixteenth day of September, 1911.

THOS. PITTS,

*Assistant Secretary, acting on behalf of the Local Government Board under the authority of their General Order dated the 26th day of May, 1877.*



## SECTION II.

THE POINTS TO BE CONSIDERED IN CLOSE DETAIL WHEN PERMISSION TO PREPARE A SCHEME HAS BEEN GIVEN BY THE LOCAL GOVERNMENT BOARD, AND THE WORK OF ACTUAL PREPARATION HAS BEEN PLACED IN HAND.

## THE TIME TO BE DEVOTED TO THE PREPARATION OF A SCHEME.

When the permission of the Local Government Board has been given the actual work of preparing the scheme will be entered upon.

The question is often asked as to how long a period should be devoted to this work of actual preparation of a scheme.

In answer to this, it may be pointed out that the period will depend on the size of the area, but assuming that the area comprises, as it should, all the land likely to be used for development during the present century, a period of eighteen months or two years for the careful maturing of the scheme will not be too great.

In this relation it is necessary to bear in mind the fact that in the preparation of a Town Planning scheme a series of completely new standards of development have to be built up, and that on the skill and wisdom shewn in building up these standards will depend not only the future health of the district, but economy or wastefulness of expenditure in estate development. For example, it is maintained by surveyors skilled in the work of estate development on these new lines, that it is possible to reduce the cost of road and sewer construction by £100 per acre—provided that provisions permitting new types of roads to be constructed are embodied in Town Planning schemes.

If this be so, then if only ten acres of land are developed each year, there will be a saving of £1,000 per year on estate works. But these provisions must be so framed that whilst permitting economies to be made in estate development, they are at the same time in the public interest. Stated in another way, the greater the expenditure of thought and care in the preparation of a scheme, the greater will be the benefits secured to the community and the more valuable will be the economies secured to the owners and others interested in the land.

## THE POWER TO CONTROL THE CHARACTER OF THE DEVELOPMENT OF AN AREA WHILST A TOWN PLANNING SCHEME IS IN PREPARATION.

But it may be urged that in this period of preparation, and whilst the Town Planning Committee of a Local Authority acting in co-operation with the land-owners of the district, are carefully maturing the provisions of the scheme, it will be within the power of a few land developers who may be out of sympathy with the rest, to form streets on the old rectangular lines and to run up quickly houses of the old type.

This possibility was, however, foreseen by the Standing Committee of the House of Commons, and as a result the following Sub-section (1) of Clause 57 forms part of the Act :—

The responsible authority may at any time, after giving such notice as may be provided by a Town Planning Scheme and in accordance with the provisions of the scheme :—

(a) Remove, pull down, or alter any building or other work in the area included in the scheme, which is such as to contravene the scheme, or in the erection of carrying out of which any provision of the scheme has not been complied with.

This power was made effective by the passing of Sub-section (2) of Clause 58, as follows :—

“ A person shall not be entitled to obtain compensation under this section on account of any building erected on or contract made, or other thing done with respect to land included in a scheme, after the time at which the application for authority to prepare the scheme was made, or after such other time as the Local Government Board may fix for the purpose.

Taken together, these Sub-sections give power to a Local Authority to exercise a large measure of control over the area for which they have obtained permission to prepare a scheme, even though the scheme is only in process of preparation.

It will be observed that this power of control commences at the moment when application for permission to prepare the scheme is made, or, alternatively, after such other time as the Local Government Board may fix for the purpose.

In regard to this latter point the Scottish Local Government Board have set an interesting precedent in the case of the Dunfermline Town Planning scheme, by fixing a date anterior to the date of application. The reason for thus fixing a date anterior to the date of application illustrates the value of the power of control above referred to.

Whilst the members of the Dunfermline Town Council were considering the details of Town Planning work, and before they had decided to make their formal application for permission to prepare a scheme, plans were deposited with the Dean of Guild Court (the equivalent of the Building Plans Committee of an English Council) for the building of tenement buildings on the Rosyth area.

In view of the expressed desire of the Admiralty that the area should be developed on model lines, the Councillors were rightly indignant, but under the existing Regulations of the Dean of Guild Court they had no power to reject the plans, which were quite in agreement with their Regulations.

The Scottish Local Government Board, however, fixed a date prior to that of the application, and the Dunfermline Town Council were thus given the right to inform those responsible for the deposit of the plans, that if, in the preparation of their scheme it was found that the buildings for which plans were thus submitted "contravened" the scheme, the Council would exercise the power given to them under Clause 2 of Section 58, and would pull down the buildings without the payment of compensation.

The plans were then withdrawn, shewing how effective the power thus given to a Local Authority really is.

It may be urged that this power of controlling the kind of development which shall take place during the period in which the preparation of a scheme is in hand is of so complete a character that it may result in the stopping of all building operations. But by the exercise of good sense on both sides, this has been and can be avoided. It has been necessary to endorse the plans, notifying that they are passed subject to the provisions of the ultimate Town Planning scheme, but where the plans have provided for a greater number of houses per acre than the Local Authority regard as satisfactory, the amendment of these plans has been suggested, and when this suggestion has been acted upon, an assurance has been given that the "lay-out" will be regarded as quite in order, and in accordance with the ultimate scheme.

In the case of the Ruislip-Northwood scheme agreements were entered into to make quite secure the position of the land developer in this respect.

The wording of the formal endorsement of the plans will be found in the Appendix in the chapter on Procedure Regulations, Forms and Notices, &c.

#### POINTS TO BE CONSIDERED IN PREPARING A SCHEME.

By the kindness of the Town Planning Committee of the Birmingham City Council, it is possible to give here the following notes setting forth the various points considered in their execution of the work of preparing the Quinton, Harborne, &c. scheme :—

The consideration of the scheme by the Town Planning Committee entailed the making of a series of visits to the proposed area and necessitated, amongst other things, the giving of attention to the following points :—

##### ROADS.

- (1) *The requirements of the area with regard to new roads, the lines and widths of such roads, and the standards of construction.*

In connection with this it was found necessary to consider the probable traffic requirements of the area, e.g., communication with the centre of the City and inter-communication



with adjoining districts. Provision for means of transit and whether or not Tramways would be required along the roads under consideration, and, if so, whether the Tramways should be run along the middle or down the sides of the road and on ordinary tracks or upon sleepers.

In regard to the future development of the area it was further necessary to consider what road widenings would have to be effected. With reference to all new roads the future building lines had to be considered and fixed, so as to be shown upon the Map of the area incorporated in the Scheme.

Upon the question of cost many points arose and consideration was given as to whether the new roads to be made should be classed as Corporation roads or owners' roads; if the latter, the maximum charge had to be fixed and methods of payment settled and set out in the Scheme.

Negotiations were opened with the various owners concerned with a view to securing their co-operation and to their giving up the land required for roads and road widenings.

Consideration also had to be given to the time which should be fixed for the carrying out of the work of constructing the various roads and effecting the road widenings provided for in the Scheme.

In connection with the foregoing considerations the probable drainage and sewerage of the area had to be taken into consideration.

The question of closing and diverting existing footpaths within the area of the Scheme also had to be dealt with.

#### BUILDINGS.

*Restriction of the number of houses to the acre, the provision of shops and factories, and the limit of land unit.*

Many points arose in connection with the restriction of the average number of houses to the acre. Consideration had to be given to the character and value of the existing buildings and the probable building development of the whole area, and in certain cases, means of facilitating the erection of the smallest class of house property. To provide for the consistent development of certain portions of the area the number of houses to the acre was increased for these portions.

#### OPEN SPACES.

*The provision of Open Spaces of three classes, viz. :—*

- (1) *Parks and Ornamental Gardens.*
- (2) *Playgrounds for the Smaller Children.*
- (3) *Playing Fields for organised games, such as football and cricket.*

In connection with this it was necessary to consider what facilities have been provided by the existing Open Spaces, and the necessity of securing easy means of access to the new parks, &c., to be provided under the Scheme.

#### PRESERVATION OF AMENITIES.

This point received the Committee's most careful consideration. The district in this case to be town planned is fringed on one side by a high-class residential suburb, and the population of the area planned will under existing conditions, mainly have to pass through this suburb to get to the centre of the City. In making a scheme for this new district, it was therefore essential to secure that nothing should be done which would spoil or detract from the value of the before-mentioned residential area.

Amongst other things it was essential that no noxious trades should be carried on in the area, and that large manufacturing works should not be established without the consent of the Corporation, so that the possibilities of nuisance arising from smoke, noise, vibration, &c., could be considered when the erection of new works was in contemplation. The prevention of wilful damage to trees and grass margins in streets and the keeping of private gardens, private open spaces or private allotments in such a state as not to be a nuisance or annoyance to the neighbours or to persons using the highways had also to be considered.

#### OBJECTIONS.

The careful consideration at various stages of objections raised to the Scheme by parties interested had also to be provided for.

Taking these points, together with many others considered in the preparation of the Ruislip-Northwood scheme, it will be well now to consider them all in close detail, taking first in order the vital question of road construction.

#### THE PROVISION OF ARTERIAL ROADS.

Local Authorities will find it necessary at an early stage to consider the adequacy or otherwise of the existing main roads in their area, and the desirability or otherwise of constructing new roads where widening of the existing roads is not desirable or practicable.

It will be well at this point to make clear yet again the fact that Local Authorities are not given power under Town Planning schemes to carry into effect improvements of the roads at the centres of towns. When the Bill was before Parliament an endeavour was made to secure that the provisions of a scheme should apply to the built-up areas of a town as well as to the unbuilt areas, but the endeavour was not successful.

Power is, however, given to include in the scheme some built-up land if it can be shewn that the treatment of such land will be of service in aiding the preparation of a proper scheme for land which is at present unbuilt on.

This power is given under the following Sub-section (3) of Clause 54 :—

“ Where it is made to appear to the Local Government Board that a piece of land already built upon, or a piece of land not likely to be used for building purposes, is so situated with respect to any land likely to be used for building purposes that it ought to be included in any Town Planning Scheme made with respect to the last-mentioned land, the Board may authorise the preparation or adoption of a scheme including such piece of land as aforesaid, and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.”

Under this Sub-section Local Authorities will be able to deal with existing roads and buildings on the borders of their districts and thus secure improvements at much less cost than would be incurred in the ordinary processes of acquisition of land for road widening.



But, generally speaking, the problem of main road construction and widening will arise in relation to the development of new areas and in the establishment of new traffic facilities in these areas.

A most interesting work in this relation is that of the Liverpool City Council, which has taken in hand the formation of a series of arterial roads of a most interesting kind, and by the kind courtesy of Mr. John S. Brodie—the Chief City Engineer to the Liverpool City Council—the following notes and illustrations are here given.

The work comprises the construction of one great circular road on the outskirts of the city, and four new radial roads—apart from the widening of existing roads.

In describing Queen's Drive, Mr. Brodie says :—

“ It is generally conceded that a town's prosperity depends enormously upon the ease and rapidity with which traffic is able to circulate throughout its area, and with this axiom in view, the new thoroughfare, known as Queen's Drive, has been constructed by the Corporation. It will enable the ever-increasing number of road vehicles to reach the north or south ends of the city without entering the already congested streets in the central area. It provides easier gradients, and will permit of more rapid travel, and a consequent saving of time and money. The grass and tree-planted portion affords a continuous avenue and promenade six miles in length, easily accessible to the districts through which it passes.

“ Queen's Drive makes, roughly, half a circle around Liverpool, with a radius of, approximately, three miles from the centre of the city. Liverpool being bounded on one side by the River Mersey, the general arrangement of its streets may be compared to the upper half of a cart wheel, where the commercial or central area is the hub, the radial thoroughfares the spokes, and Queen's Drive the rim, the spokes intersecting the rim at many points along its route.

The Drive, for reasons of economy, was laid out on land which was undeveloped, on the verge of the built-up area, or as near thereto as circumstances would permit. The owners of the land through which it passes dedicated, free of cost, a width of not less than 36 feet, and in several cases as much as 60 feet. The Corporation carried out street works sufficient for immediate traffic requirements, the balance being in grass and trees, the latter being in such a position that they will not be disturbed when the carriageway is widened at some future date.

“ The Drive, passing through lands belonging to different owners, necessitated many negotiations, the result of each being embodied in separate agreements, the conditions varying slightly, but, generally speaking, they were all on the same basis. The owners recognised that their abutting lands would be increased in value, and brought into the market at an earlier date than would have been the case had they waited for normal developments.

“ The average first cost of Queen's Drive may be put at £7,000 per mile, and when this is compared with the widening of existing built-up streets in the outskirts at an expenditure of £70,000 per mile, and the widening of streets in the heart of the city at £350,000 per mile, it will be readily appreciated that wide thoroughfares, laid out before the land is developed, is in the end real economy, it stimulates development, and indirectly adds to the coffers of the municipality by increasing rateable value.



"A large portion of the capital expenditure will be recoverable by the Corporation, in the form of a frontage charge, which will become payable by the owners when the land adjoining the Drive is developed. This will necessarily be distributed over a number of years, but ultimately the city will become possessed of this thoroughfare at a practically nominal cost, and when the districts through which it passes are built up, it will be difficult to overestimate its value to the City and to the public, both from a traffic and hygienic point of view.

"Walton Hall Avenue, 72 feet wide; Stanley Park Avenue, 80 feet wide; Edge Lane Drive, 60 feet wide; and Menlove Avenue, 114 feet, are the four principal new radial roads."

In the case of the Quinton, Harborne, &c. scheme the Birmingham City Council has adopted 100 ft. as the maximum width for their arterial and ring roads.

In his valuable book on Town Planning—a book which should be in the hands of every officer of a Local Authority contemplating the preparation of a scheme—Councillor George Cadbury, junr., thus describes the reasons which led the Birmingham City Council to adopt this standard and to cut new roads instead of widening old roads:—

When planning 100 ft. roads, the question has often arisen as to whether it is advisable to widen existing roads and incur the cost of taking in forecourts or pulling down houses, or to make a new road striking across the fields. To illustrate how expensive a widening may be, a comparative estimate was obtained for improving part of the ring road. The standard width for this route is 100 ft. In one part it passes through a built-up district where the houses are not more than 45 feet apart. It was found possible by removing a few houses on one side to widen the road at this point to 60 feet. The alternative route, slightly more direct and 100 ft. wide for its whole length, but involving the formation of an entirely new road across fields, was also worked out. The cost of the first scheme was to be £52,000, and of the second £13,000, or about a quarter the cost, giving at the same time a better route 100 ft. wide and also developing new building frontage.

The Road Board are inclined to look favourably upon ring roads as forming parts of national routes providing through communication. They are contributing £20,000 to those shewn in the two Birmingham schemes, on the understanding that the "ring" will be completed in future schemes, and on having been shewn that this is reasonably feasible.

It is possible, with wide roads of this character, to leave a separate track for tramways. These separate tracks have many advantages. The first cost is very much less, a saving approximately of £3,000 per mile of track. The line resting on sleepers is much more elastic and smooth running, which lengthens the life not only of the car but of the track, as well as being much more comfortable to travel over, and less noisy and dusty. The trams, having an unobstructed route, can travel more quickly from point to point, and being generally alongside a footpath the passengers are saved the necessity of crossing the road, with all its attendant risks and disadvantages. The reason that separate tramway tracks have not been provided before is that towns have not looked far enough ahead, and have delayed taking trams out until the road is so built-in that a separate track cannot be provided.

A stretch of road some two or three miles in length is now being laid out on these lines. The Bristol Road is one of the widest outlets Birmingham possesses and leads to the Lickey Hills, a large natural park which is a popular summer resort. Where this road passes through the land of the Bournville Village Trust, the owners have given a strip wide enough



Queens Drive, Wavertree (Liverpool).  
84 feet wide. On the Elm Hall Estate. Constructed in 1905.  
(For description see page 241.)







A well-wooded portion of Queens Drive, formerly known as Lark Hill Lane. Widened in 1909 from 30 to 84 feet. The lower courses of the old stone wall were left standing to retain the soil covering the tree roots.  
(For description see page 241.)



to accommodate a separate tramway track at the same time preserving a belt of trees which will protect the houses from the noise and dust of the road. As far as possible houses will be built facing side roads, and the frontage to the main road will be developed as little as possible.

Some difficulty was found in arriving at the best road section for entirely new roads. The alternatives were whether the track should be down the centre, down the side, or a line on each side of the road. The objections to the centre, which is in many ways the best position, are that every passenger has to cross the road, frequently at some risk, when entering or alighting, and that the cost of sewerage and channelling two side roads has to be incurred. On the other hand, placing the tramway track on one side enables passengers living on that side to approach the tram direct from the path, and one wide road 35 ft. wide for all the other traffic can be provided. In both cases the poles and overhead wires can be concealed by trees. Where, however, the track is on each side, passengers have still to cross the road on the outward or return journey, and carts cannot draw up to the kerb. Perhaps the greatest objection to the separate track in any position except the centre is the fact that carts and carriages cannot draw up close to the footpath. Except in the case of shops this is not of such vital importance as it would seem at first sight to be, as houses in any case will be built well back from 100 ft. roads, which will always be noisy and dusty owing to the volume of traffic. The extra distance is at most ten or a dozen yards.

It may be added that in the case of the Quinton, Harborne, &c. scheme the owners of land have given the land for these arterial roads up to the full 100 ft. required.

It is, however, provided that the contribution by the owners towards the cost of the construction of these roads must not exceed £3 10s. 0d. per yard of the frontage, or (at the option of the Corporation) shall be

“Equal to such sum as may represent the degree of benefit accruing to his land whether fronting to or communicating with the said street from the construction of such street. The amount of such contribution in either case shall be assessed by the Surveyor for the time being of the Corporation, and approved of by them, and from their decision as to the amount or degree of benefit any owner may within two calendar months from such decision appeal to the Board or to an arbitrator mutually agreed upon.”

In the Ruislip-Northwood scheme provision is made for a number of new main roads, but none of these are of a greater width than 60 ft. The owners have consented to give land up to the full 60 ft., but will not be required to bear

“Any greater expense in the execution of street works than they would have been required to bear if the new street had been of a width of 40 feet, with a carriage way of a width of 24 feet, and any greater expense incurred in the execution of such street works is to be borne by the Council.”

The reason why the Ruislip-Northwood Council decided to adopt a standard of 60 ft. for their main roads is easily explained. The area is at present one with a low rateable value—a penny rate brings in only £240. For a Council whose resources are so small to embark on an ambitious scheme of arterial road construction would have been foolish in the extreme. On the other hand, the Birmingham



City Council is not only a Local Authority possessing a great rateable value, but such enormous sums have been expended in the past on road widening, and the need for alternative traffic routes to relieve congested roads (which could only be widened at a great cost) is so great that the Councillors have decided to embody in all their schemes provisions for roads which shall from the first be of such a character that future generations of Birmingham citizens will not be burdened with heavy expenditure on road-widening.

It will be seen from the schedule of the roads to be constructed under the Quinton, Harborne, &c. scheme (*vide* Appendix) that the cost which will thus be incurred by the Council will be £103,928.

It is necessary to bear in mind, however :—

- (a) that the Council will, as and when the land with frontages to these new arterial roads, passes from agricultural to industrial use, be able to collect road charges up to £3 10s. 0d. per yard frontage.
- (b) that whilst all the expenses of road construction above this amount must be borne by the Council, the owners and others interested have given to the Council the full 100 ft. of land for road construction ;
- (c) that on one of these roads a tramway is to be constructed. It will be found on reference to the reproduction of the final map of the scheme, that instead of widening the road bordering on the Town Planning area, the Council have provided for the construction of a completely new road through the heart of their area so that the better means of access shall bring increased rateable value to their own municipal area, and not spread it on the borders ;
- (d) that this expenditure will only be incurred when the Birmingham City Council decide that the work of construction shall be commenced. As a matter of fact, only one road has been commenced—at a cost of £6,981 ;
- (e) that the character of the work justifies an appeal to the Road Board for help, and the Road Board have promised a grant towards the cost.

When all these conditions are borne in mind the decision of the Birmingham City Council to include in their scheme these 100 ft. roads can be understood and appreciated, just as the decision of the Ruislip-Northwood Urban District Council to keep clear of any great responsibilities can be recognised as wise in view of their small rateable value.

These two schemes possess, indeed, special importance in relation to this question of arterial road construction. The Birmingham scheme involves great expenditure on arterial road construction, whilst the Ruislip-Northwood scheme

involves no expenditure over and above the extra 20 ft. The schemes thus illustrate in the clearest possible manner the truth that whether the expenditure on arterial road schemes shall be small or large will depend entirely on the Local Authority, and shews that the fear so often expressed by Councillors that the preparation of a Town Planning scheme must mean a great expenditure on road schemes is a groundless fear.

The lesson of these schemes can be expressed in another way.

If the district is already well supplied with roads adequate to carry the traffic of the district, or if the Local Authority is too poor to undertake great schemes, there will be no need under a Town Planning scheme to incur any extra cost on road construction.

But if there is a pressing need for improvement in the systems of arterial road construction, and if the Council is sufficiently rich in rateable value, then the preparation of a Town Planning scheme gives an admirable opportunity for securing a maximum of road improvement at a minimum of cost.

The reasons for this are many, but amongst them may be mentioned the following :—

- (1) In preparing a Town Planning scheme it is possible to secure gifts of land for wide roads free of cost to the community. The cases of the Birmingham and Ruislip Councils have already been referred to, and a little consideration will shew that it is to the advantage of the landowner to give land, if in return the cost of constructing other roads is lessened as a result of the inclusion of provisions in the scheme permitting him to lessen his expenditure on estate works.
- (2) Where land has to be bought for the purpose of the construction of these arterial roads, the conditions of purchase are much more favourable when the land is purchased under a Town Planning scheme than when purchased under an ordinary improvement scheme.

Under a Town Planning scheme the land is bought in the same way as land for the purposes of Part III. of the Housing Act of 1890, and when purchased under compulsion the price is to be determined by a single arbitrator appointed by the Local Government Board—and the various fees to be paid in regard to the purchase are clearly laid down in a special schedule issued by the Board (*vide* Appendix). In the case, however, of the purchase of land for the purpose of an ordinary improvement scheme, the proceedings must be conducted under the Lands Clauses Act, and the procedure is much more costly.

For these reasons, Local Authorities will act wisely in embodying in their Town Planning schemes any projects they may have for the construction of new arterial roads.



## THE CONSTRUCTION OF SECONDARY ROADS.

There is no need to discuss here in detail the methods of constructing secondary roads under Town Planning schemes. These will, without doubt, approximate closely to the existing types of good suburban roads. Town Planning Committees will, however, do well to consider whether in secondary roads devoted to shopping, it may not be possible to make the footways more adequate in width.

When tradesmen are urged to build attractive shops and to see that these are well lighted, the Local Authority should also provide that the facilities for viewing the contents of shop windows shall be adequate. In some shopping streets two nursemaids with perambulators can derange the whole pedestrian traffic, for the width of the footway is no greater than in the case of a street devoted to workmen's cottages. If some measure of amenity can be given to the secondary street in the shape of tree planting, and by the construction here and there of a well-laid-out flower bed, the expenditure incurred will be well justified and the action taken will be warmly approved by the local shopkeepers and by the public generally.

## THE CONSTRUCTION OF RESIDENTIAL ROADS.

Passing to the consideration of other types of road it will be useful to explain here the new standards as to residential streets which have been embodied in the Birmingham schemes and the Ruislip-Northwood scheme.

Taking first in order, the Quinton, Harborne, &c. scheme of the Birmingham City Council, the accompanying illustrations will be of service in making clear the wide range of road standards adopted by the Birmingham City Council. Sheet A of these street cross sections refers to the roads to be constructed by the Corporation in accordance with the schedule of their scheme.

It will be noticed that the 100 ft. roads will possess many attractive features, and will be planted with trees and grass. Then if at any later time the traffic grows in such a way that greater space is needed for pedestrians or vehicles, it will be possible to provide this without in any way encroaching on the gardens of the houses flanking the road.

Sheet B of these street cross sections refers to new roads constructed otherwise than by the Corporation.

It will be found on reference to the Quinton, Harborne, &c. scheme, Clause 7, Sub-sections (b) and (d), that the City Council are given a wide discretionary power to vary the construction of roads. Without doubt the standards embodied in this series of cross sections will, however, be generally applied throughout the area. It will, therefore, be of service to study these in detail, and the following points should be specially noted :—

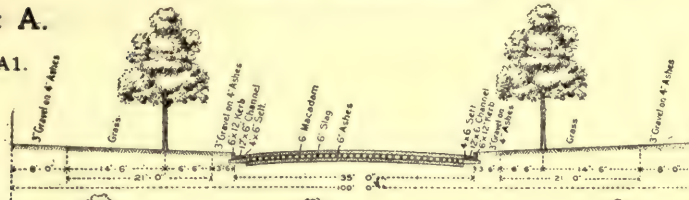
- (a) The minimum distance between house and house on opposite sides of a street is 72 ft. Provision is made for varying the building line



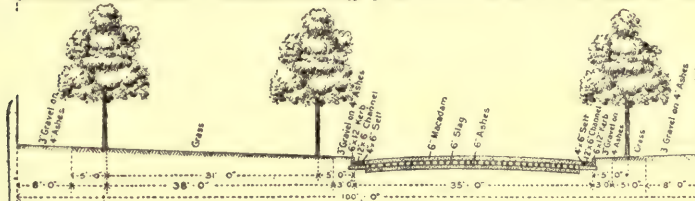
QUINTON AND HARBORNE TOWN PLANNING SCHEME.  
STREET CROSS-SECTIONS.

Sheet A.

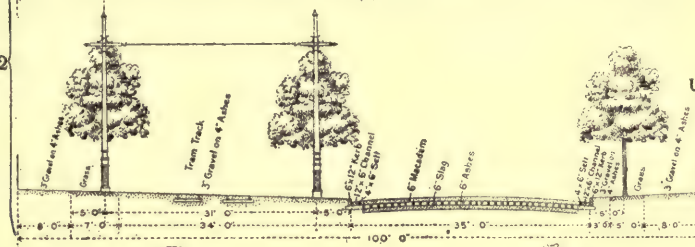
Section A1.



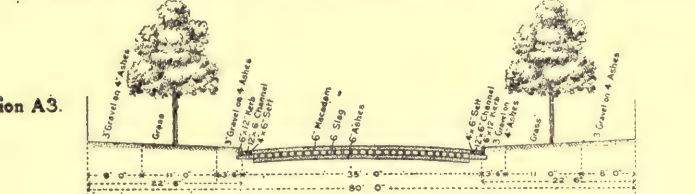
Primary Section.



Section A2



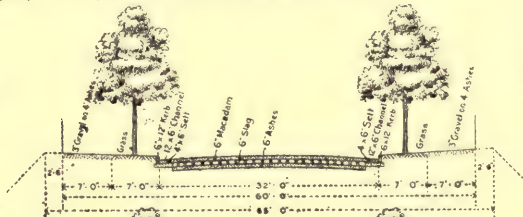
Ultimate Section.



Section A3.

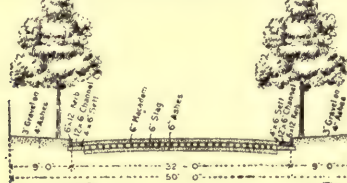


Section A4.



Note.—When a street constructed in accordance with Section A4 is on an embankment it shall have an additional width of 2'-6" of earthwork beyond the boundary fences on each side, making a total width of 65'-0", as indicated by dotted lines on the diagram section.

Section A5.



Note.—Roads Nos. 20 and 21 to be in accordance with Section A5, except that the footpaths shall be constructed of 24" granolithic concrete flagging, laid as being formed in gravel.

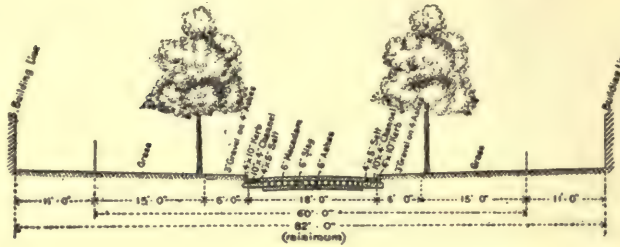
Section A6.



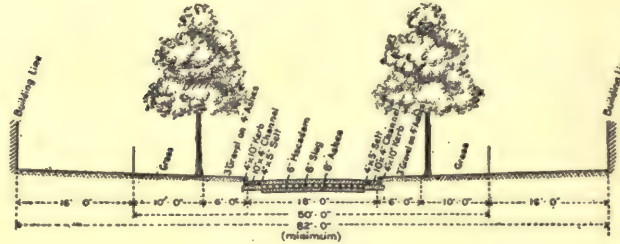
# QUINTON AND HARBORNE TOWN PLANNING SCHEME. STREET CROSS-SECTIONS.

## Sheet B.

Section B1.

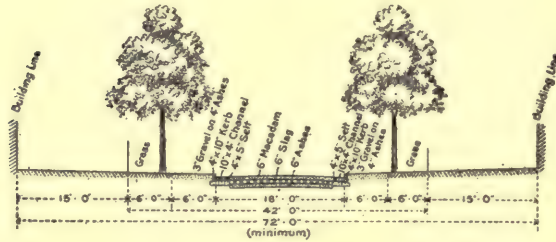


Section B2.



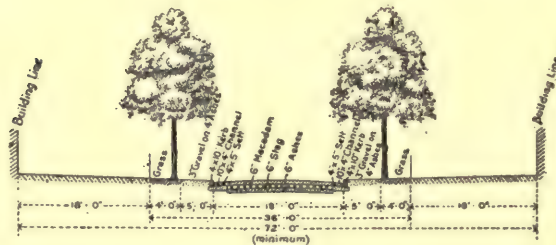
NOTE.—The footpaths may adjoin the forecourts instead of adjoining the kerb, and the positions of the trees may be varied as the Council may direct.

Section B3.

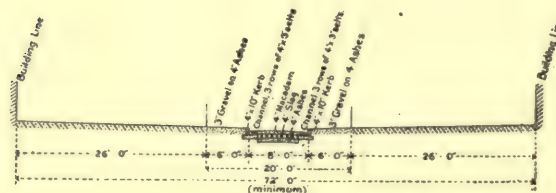


NOTE.—The carriageway of Sections B3 and B4 may be reduced to 14 feet in width, provided that each grass margin be increased by 2 feet, the street limited to a length of 200 feet, with a sufficiently wide turning-place at the far end within the length of 200 feet, and the street lead out of another street having a width of not less than 42 feet between the forecourts and a carriageway of not less than 18 feet in width. In the event of the carriageway being reduced in accordance with the stipulation above set forth, the depth of the ashes, slag, and macadam may be reduced from 6" to 5" of each material.

Section B4.



Section B5.



NOTE.—A street constructed in accordance with Section B5 must not exceed 100 feet in length and must have a sufficiently wide turning-place at the far end of the carriageway within the 100 ft. length. Such street must lead out of another street having a width of not less than 36 feet between the forecourts and a carriageway of not less than 18 feet in width.

in Clause 7, Sub-section (d), but even here the variations are subject to the limitation that the building line shall not be less than 36 ft. from the centre of the street.

(b) A street (B5) which—

- (1) does not exceed 100 ft. in length ;
- (2) has a sufficiently wide turning place at the far end of the carriage-way ; and
- (3) which leads out of another street having a width of not less than 36 ft. between the forecourts of the houses and a carriage-way of not less than 18 ft. in width,

may be constructed with a minimum width of 20 ft., this width being divided as follows :—two footways of 6 ft. each, and a roadway of 8 ft.—that is to say, a roadway which will only take one cart at a time. This street is in effect an open cul-de-sac, with a distance of 72 ft. between the houses and with just sufficient accommodation for the passage of pedestrians and for vehicles, with a turning point at the far end for carts and motors to turn round.

Its open character redeems it from any kind of reproach as a “ dead end ” street, and there would seem to be good reason to believe that this type of development, with the quietude and repose which it gives to the tenants of the houses, will find favour not only with land developers on account of the great economy in the cost of construction, but also with the tenants of the houses. Given, indeed, a very liberal set-back for the houses (say, 50 ft. from the footpath), it will be possible to plant good trees in the gardens and to give open space in a form of great value to the tenants of houses, and involving no burden of cost to the community for upkeep.

- (c) No back streets are provided in the scheme. The cottages in the Birmingham area are of the familiar Midland type with an archway between every pair of houses giving access to the gardens, and with this provision back streets are in no way necessary.
- (d) In street Sections B4 and B3, other interesting types of streets are shewn. In the case of B4, the distance between the forecourts of houses is 36 ft., and the houses are set back on either side 18 ft., making in all 72 ft. between the two building lines. The distance between the forecourts is thus divided—carriage-way 18ft., two footways of 5 ft. each, and 4 ft. of grass and trees on each side between the footway and the forecourt fence. In Section B3, the carriage-way is 18 ft., but the space given to footways on either side is 6 ft., and the width of the strip for grass and trees between the footpath and the forecourt fences is 6 ft., leaving the set-back as 15 ft.



It will probably be found that type B4 will be more appreciated by land developers than type B3, but both have the admirable feature of placing the grass margin between the footpaths and the forecourt fences. This has been adopted with success in the Avenue, Clifton, and has the advantage that the wear and tear of the grass margins is minimised. When grass margins are constructed between the footway and the road they require much careful treatment, and where children are at all destructive the provision of this kind of amenity is almost impossible.

A variation can be secured in types B4 and B3, when

- (1) the street is limited to 200 ft. in length ;
- (2) a sufficiently wide turning place is provided ; and
- (3) the street leads out of another street having a width of not less than 42 ft. between the forecourts and a carriage-way of not less than 18 ft. in width.

In such cases the carriage-way of streets as Sections B3, and B4, may be reduced to 14 ft. in width, provided that each grass margin be increased by 2 ft.

- (e) Sections B2 and B1, provide for wider roads with a distance of 82 ft. between the houses. The details of these streets are so clearly given in the text accompanying the illustrations that there is no need to explain them here.

It will be of service now to ask what the value in use of these new standards is likely to be.

The following estimates of cost in the Birmingham area of the streets constructed in accordance with the conditions laid down in Sheet B, shewing the street cross sections of the Quinton, Harborne, &c. scheme, have been kindly prepared by Mr. John H. Barlow, of Bournville :—

Cost of Ordinary Street, 36 ft. in width,	£2 13 3	per yard frontage
„ Street as Section B5 .....	£1 10 0	per yard frontage.
„ „ „ Section B4 .....	£2 5 0	per yard frontage.
„ „ „ Section B3 .....	£2 5 9	per yard frontage.
„ „ „ Section B4 (with carriage-way reduced to 14 ft.)	£2 2 0	per yard frontage.
„ „ „ Section B3 (with carriage-way reduced to 14 ft.)	£2 3 0	per yard frontage.
„ „ „ Section B2 .....	£2 6 3	per yard frontage.
„ „ „ Section B1 .....	£2 7 3	per yard frontage.

NOTE : These prices include all work in the construction of roads and sewers, &c.

The total cost of road works per house may not be decreased in these areas, for, as is pointed out in a later chapter on the cost of land development under Town Planning schemes, it will without doubt be found desirable to give much wider frontages under Town Planning schemes than under old methods of lay-out. But in any case it is an economy of an extremely valuable kind even if it only renders these improvements possible of attainment without extra cost, and the example of the Birmingham City Council will commend itself to most Town Planning Committees of Local Authorities as one to be followed.

It may, however, be objected that roads of the type of B5, B4, and B3 will, if they are permitted in any great number, involve in the future great municipal expenditure, when it is found necessary to widen these roads and to make them "through traffic" streets.

In this relation it is interesting to note that the Birmingham City Council have not provided in their scheme for the transformation of these streets into through streets. The reason for this is quite clear. When a Town Planning scheme is carefully prepared and the lines of the main arterial roads and secondary roads have been carefully thought out, the chances that these garden roads (constructed solely to give access to a limited number of dwellings) will be required for through traffic are so remote that there is no need to make special provision for such a transformation.

The Ruislip-Northwood Council have defined in their scheme three types of streets in regard to which relaxations are allowed. These streets and the relaxations relating thereto, may thus be summarised :—

- (I.) Any one laying out a new street in which no buildings other than dwelling houses are proposed to be erected, may construct such street with a minimum width of 26 ft. (with a minimum carriage-way of 16 ft., and with a minimum width for the two footways of 5 ft. each) if the following conditions are complied with :—
  - (a) The street shall not be more than 900 feet in length.
  - (b) Turning places shall be provided every 450 feet, if the new street exceeds 450 feet in length.
  - (c) The street shall communicate at each end with a street 40 feet or more in width, and must not be in direct continuation of such a street. Provided that it may communicate with any old highway of less width than 40 feet which is existing at the present time.
  - (d) The space, if any, between the carriage-way and either footway of such street or between either footway and the boundary of such street shall be planted with grass, trees or shrubs, or shall be otherwise suitably laid out to the reasonable satisfaction of the Council.

- (II.) Further relaxation of bye-law requirements as to width of streets not likely to be used for through traffic is to be given to owners who, when developing their land, are prepared to set aside one-tenth of the area of such land as public or private open spaces. These relaxations are :—

- (a) A street not exceeding 350 feet in length may be constructed of a width of not less than 20 feet. The carriage-way of such a street shall be at least 14 feet in width. There shall be at least one turning place provided, and the person who shall, with the permission of the Council, construct such a street, shall plant with grass, trees, or shrubs, or otherwise suitably lay out or construct a footway in the space, if any, between the carriage-way and the boundary of such street.
- (b) A street not exceeding 750 feet in length may be constructed of a width of not less than 24 feet.
- (c) A street not exceeding 1,500 feet in length may be constructed of a width of not less than 30 feet.

In regard to the streets constructed in accordance with (b) and (c) the carriage-way shall be at least 16 feet in width.

There shall also be at one side at least of such a street, a footway of a width of not less than 4 feet. There shall be provision made for turning spaces and the person who shall, with the permission of the Council, construct such a street, shall plant with grass, trees, or shrubs, or otherwise suitably lay out to the reasonable satisfaction of the Council the space between the carriage-way and the footway of such street, or between the footway and the boundary of such street, or between the carriage-way and the boundary of such street.

- (III.) Dwelling houses may be arranged round quadrangles, and in this case a street of not less than 7 feet in width may be allowed, provided that it is not more than 500 feet in length and communicates with a street not less than 24 feet in width or with an existing highway. The space within the quadrangle may be laid out as gardens or as forecourts. No fence fronting on the quadrangle may be more than 3 ft. 6 in. in height.

The relaxations named above are permitted under Clauses 12, 13 and 14 of the scheme (*vide* Appendix).

In order to make clear the economies which these types of streets will produce, the following estimates of the approximate cost of the Ruislip-Northwood roads may be given here.



Cost of ordinary bye-law 40 ft. street			
	per yard frontage	..	.. £2 19 3
Cost of street as described in (I.) page 255			
	per yard frontage	..	.. £2 5 9
"	"	"	(II.) (a) page 256
	per yard frontage	..	.. £1 16 6
"	"	"	(II.) (b) page 256
	per yard frontage	..	.. £1 19 6
"	"	"	(II.) (c) page 256
	per yard frontage	..	.. £2 1 0

In each case the cost includes (a) the first cost when the owner lays out the street, (b) the usual cost of making up under the Private Street Works Act, 1892, and (c) the cost of sewers.

Of the types of roads thus provided for in the Ruislip-Northwood scheme it is probable that the quadrangle will be made the subject of the keenest discussion in Town Planning Committees when new types of roads are under consideration, and it is therefore important that the value of this new type should be appreciated.

The value of the quadrangle as an amenity is great, and it may be hoped that this type of service road will be adopted in most schemes. How the land in the quadrangle enclosed by the road shall be used, must be left to negotiation between the owner and the tenants of the houses. If the tenants desire to avoid responsibility for its upkeep, it can be let to a nursery gardener, but in most cases it will be in demand by the tenants of the houses. Even if it is left as an open piece of grass land the cost of upkeep need not be great.

The accompanying illustration of a quadrangle formed in the Hampstead Garden Suburb—under the special Act of Parliament passed to enable the Trust to develop roads of this new type—will shew that it possesses many admirable characteristics.

Coming to the consideration of the question of road strength as distinct from the question of road width, Local Authorities engaged in the preparation of schemes, should keep clearly in mind the need for keeping unimpaired good standards of road strength. The traffic which main and secondary roads have to bear is increasing year by year, both in volume and weight.

But whilst in many cases it will be unwise to lessen standards of road strength, yet there are areas in which the preparation of a Town Planning scheme will provide a valuable opportunity for Local Authorities to give consideration to the possibilities of permitting the use of other and less costly materials. For

example, the coming of the motor lorry for the delivery of goods, renders necessary the maintenance of the full strength of the carriage-way, but motors do not cross curbs or travel on pavements. Yet in some areas the standards of strength demanded in regard to these is far in excess of the real needs of the district.

Speaking at a Conference called by the National Housing and Town Planning Council in 1911, Mr. G. L. Pepler, now Town Planning Inspector to the Local Government Board, gave the following interesting example from his own experience :

" I know of a Borough Council and Rural District Council with adjoining areas in the South of England, where the following conditions prevail :—Both authorities insist on 40 feet roads (24 feet carriage way and two 8 feet paths) ; in both cases owners generally construct the first roads with 9 ins. hardcore and 6 ins. topping for carriage way and with 4 ins. and 4 ins. respectively for footpaths. The differences however, are that whereas the Urban Authority require Sykes' patent street gullies the Rural Authority is satisfied with the ordinary simple type. But as against this the Rural Authority require the sewer to be laid on concrete, whereas the Urban Authority does not consider it necessary. We may therefore take the first costs as about equal, but when we come to the finish that the respective Councils require before they will take the roads over, we find that the Urban Authority insists upon 12 ins. by 8 ins. granite kerb and 12 ins. by 6 ins. granite channel, both upon 6 ins. concrete, and 1 in. of mastic asphalt on 3 ins. concrete for footpaths : the carriage way is made up to the proper contour with gravel and a topping added of Kent Ragstone 1½ ins. thick when rolled. The Rural Authority use a kerb 12 ins. by 6 ins. and a 12 ins. by 6 ins. channel, but the latter in granite setts and not in one piece as used by the Urban Authority, all on 4 ins. of concrete. The path finished with ordinary asphalt on hard core, not mastic on concrete. The topping is usually of local flinting. I quote these comparative details at length because in the respective residential areas the roads have just the same traffic to bear and the Rural finish is practically as effective as the Urban, whereas the cost works out at 20s. per foot run as against 28s., a difference of 4s. per foot frontage, which adds a considerable burden on each householder."

Speaking at the same Conference, Mr. Reginald H. Jeffes, A.M.Inst.C.E. (Engineer and Surveyor to the Maldens and Coombe Urban District Council), stated that a few years before he had obtained information from thirty authorities in the London area as to the cost of making up private streets, and the various materials used, and from the replies received it was found that the cost per foot varied from about 6s. to 18s. per foot frontage.

There can be no doubt that this is also true of many other parts of the United Kingdom, and a great service to the Town Planning movement would be rendered if the Institution of Municipal and County Engineers would appoint a Special Committee to prepare a series of recommendations concerning the relaxation of conditions as to the character and type of material to be used in areas to be made the subject of Town Planning schemes.

There is yet another aspect of the subject, viz. : the possibility of forbidding the use of certain purely residential roads by heavy vehicles.



**Quadrangle in the Hampstead Garden Suburb.**

The houses in this Quadrangle are tenanted by aged people, but the method of lay-out could be used with equal service in the planning of small groups of cottages.





There are clearly two sides of this question. On the one hand there is the point of view of the tradesman who desires to exercise the maximum of economy in the distribution of his goods, and wishes to be free to adopt whatever type of vehicle he finds most economical. Thus, if a steam roller type of vehicle is found to be the best from his point of view, he will wish to be allowed to send this over the roads in the district. On the other hand, there is the point of view of the tenant of a house, who, whilst desiring that adequate access shall be given to tradesmen, is not concerned with problems of economy in cost of delivery so much as the cost of road construction. So long as the road is properly cleansed, well drained, well policed, and repaired when repairs are needed, the question as to whether the road is open or not for the use of two-ton motor lorries sent out by great trading companies, is not to him a matter of vital importance.

The consideration of this question of the limitation of the rise of certain types of roads has hardly yet been entered upon, but it would seem to be already clear that at least in the case of the broad culs-de-sac, crescents, and quadrangles described above, certain limitations of use could with great advantage be permitted, and to the extent to which this is done there might be a lessening in strength of roads as well as a reduction in width.

Before passing from the question of the relaxation of conditions as to the construction of streets, five other points of importance call for careful consideration, viz. :—

- The widening of existing roads ;
- The construction of new streets by the Local Authority ;
- The diversion and stopping up of highways ;
- The adjustment of boundaries ;
- The extent to which roads should be marked or not on the map which accompanies each Town Planning scheme.

#### THE WIDENING OF EXISTING ROADS.

Town Planning Committees engaged in the preparation of schemes will find that the question of road widening will be one of the most difficult to deal with—more especially as in most cases they will be faced by claims for compensation wherever the proposals they make are of a very thorough character.

Two types of road widening will certainly come under consideration :—

- (a) the widening of roads on the borders of towns which are already partly built upon ; and
- (b) the widening of roads flanked by fields and not yet fringed by buildings.

In the case of (a) it will not be possible to avoid heavy expenditure, but Local Authorities may accept with thankfulness the more economical procedure, rendered possible by the Act of 1909, for the process of acquisition of such land and buildings

will not be, as in the case of the ordinary street widenings, that under the Lands Clauses Act, but that under the following clause (60), Sub-section (1) of the Act of 1909 :—

60—(1) The responsible authority may, for the purpose of a town planning scheme, purchase any land comprised in such scheme by agreement, or be authorised to purchase any such land compulsorily in the same manner and subject to the same provisions (including any provision authorising the Local Government Board to give directions as to the payment and application of any purchase money or compensation) as a Local Authority may purchase or be authorised to purchase land situate in an urban district for the purposes of Part III. of the Housing of the Working Classes Act, 1890, as amended by sections two and forty-five of this Act.

In the case of compulsory purchase the schedule of costs given in the Appendix will apply. This alone marks an enormous improvement on the old costly method.

In considering this question of cost, Committees of Local Authorities should also realise that these purchases of land and buildings will only be made because they regard their acquisition as necessary and well worth the money expended. If they are either not desirable or are not worth the money to be expended on them, then the Local Authority will place them aside and they will not be included in the scheme.

It should not be necessary to further emphasise this point, but possibly because so much has been said about the desirability of main arterial roads in discussions on Town Planning, it is believed by many members of Local Authorities that they will be compelled to prepare or adopt costly road widening schemes if once they place in hand the preparation of Town Planning schemes. It will be well, therefore, to state yet again that the decision as to whether this expenditure shall or shall not be undertaken rests with the Local Authority, and neither the owners on the one hand, nor the Central Government Departments on the other, can compel a Local Authority to adopt costly schemes of widening if they feel that it is not in the best interests of the district that these shall be adopted.

In regard to (b), viz. : the widening of roads flanked by fields, and not yet fringed by buildings, Local Authorities will in many cases secure whatever land is essential to their work of road-widening without payment if they proceed under Town Planning schemes. The matter can be simply explained by pointing out that when a Town Planning scheme is in preparation the owners of the land are placed in a different position to that in which they find themselves when the Local Authority has only one proposal in hand, viz. : the widening of the road. In the latter case, the owners are in a position to demand and secure prices which often mean that a strip of land which at the time of purchase is only worth £50 an acre is paid for at the rate of £1,000 an acre. But when a Town Planning scheme is in preparation the case is different. The Local Authority is



then in a position to make relaxations and to specify conditions to the landowner, and it is to the interest of both parties to the negotiations to bargain not in the spirit of a Shylock, but as between a willing buyer and a willing seller.

The point can be made clear by taking a definite example. In the case of a County Borough Council a few years ago land of this kind was taken from a field for the purposes of road widening at 5s. a yard, or at the rate of over £1,000 an acre. Since the placing in hand of a Town Planning scheme owners of land in the same Council area have given to the Local Authority land of a similar kind without payment. In the latter case the owners possess a good deal of back land, and they have not been able to controvert the argument of the Local Authority that whilst the widening of the road is a benefit to the community, it is at the same time in the interest of the owners of this land that the main access road shall be more adequate, and therefore they have given the land for the widening of the road.

#### THE PROVISION OF NEW ROADS BY THE LOCAL AUTHORITY.

In the preceding chapter an endeavour has been made to state clearly the fact that the marking of a road on the map which accompanies a Town Planning scheme on the one hand, does not give to the Local Authority the right to demand that this road shall be made before it is financially prudent to do so, and, on the other hand, does not give the owners of adjacent lands the right to demand that the road shall be made by the Local Authority.

What the Town Planning scheme does secure is that, as and when the area develops, it shall develop on the lines prescribed in the scheme. In other words, those engaged in land development must do their work in accordance with the scheme and not in any other way.

But there are clearly some cases in which

- (a) it will be in the public interest to construct certain roads before the owner is willing to make them ; or
- (b) the private interests of the owners of other land will suffer if the road is not made.

Provision is therefore made in the Ruislip-Northwood Town Planning scheme for the construction of new roads by the Council in certain cases, and for giving to an owner the right to demand that in the case of a road exceeding 40 feet in width (when this street is definitely marked on the Map accompanying the scheme, and if such road when constructed communicate at each end with a highway repairable by the inhabitants at large), the Council shall, on due notice being given, proceed to construct the street.

The power thus given to the Ruislip-Northwood Council is given under Clause 16 of their scheme.

On reference to this Clause it will be seen that this power is made effective by the power also given to the Council to take land and apportion the cost of road making (up to 40 feet)—

“ Upon the lands and premises fronting, adjoining or abutting upon any such street or such part thereof and upon any other lands and premises access to which is obtained from such street through a court, passage or otherwise, and which in their opinion will be benefited by the construction of such street or such part thereof, and of recovering the said costs and expenses.”

The financial interest of the owner is, however, safeguarded by a provision in Clause 16, Sub-section (b), to secure that

“ In the event of any new street or any part thereof being constructed upon any lands under the provisions of this clause without the consent in writing of the owner of such lands, the Council shall not be entitled to recover any part of the sum apportioned against any of such lands until the lands against which the apportionment is made or some part thereof shall be used for some purpose other than agriculture and shall then, and from time to time only be entitled to recover such part of the sum so apportioned as shall be properly attributable to the land so used. Provided also that no interest upon such apportioned sum shall be payable to the Council in respect of the period from the date of apportionment until such lands shall be used for some purpose other than agriculture.”

It is also provided that

“ The Council shall upon the completion of the construction by the Council of any new street or any part thereof under the provisions of this clause by notice fixed up in such street or part of such street declare the whole of such street or part of such street to be a highway repairable by the inhabitants at large, and thereupon such street or part of such street as defined in the notice shall become a highway repairable by the inhabitants at large.”

The value in use of this power will be realised when the practice of some owners possessing land fronting on to a main road of “ blanketing ” the land of their neighbours and denying access to the road is borne in mind.

When wisely used this power will render quite futile the efforts of one landowner to obtain exorbitant sums from another landowner in return for giving access to back land by the construction of a road.

It is true that the man who possesses this power to exact a kind of modern toll from his neighbour will regard action to defeat his efforts by the Council with indignation, but the community as a whole will gain by the bringing into use of “ back land ” on terms which do not include the payment of an exorbitant toll for access.

The power given to the owner to call upon the Council to construct a street which

(a) is marked upon the map ;

(b) is over 40 feet in width ; and

(c) will, when constructed, communicate at each end with a highway repairable by the inhabitants at large ;

is given under Clause 17, and will be recognised as one of real service to the owners of land.



The insertion of this Clause gives owners the right to demand that when an area is in process of development and main roads are in the course of construction, their interests shall not suffer because the Local Authority find it inconvenient to continue the work and are inclined to delay it.

The interest of the ratepayers is adequately safeguarded in the words already quoted in (c), and to this may be added the provision that up to 40 feet of the width of the street the cost shall

“ Be apportioned upon the owner or owners requiring such street or part thereof to be constructed and shall, upon the completion of the work, be recovered from such owner or owners.”

### THE DIVERSION AND STOPPING UP OF HIGHWAYS.

The power to divert and stop up highways is one of great value, and it is estimated that the legal expenses saved to owners in regard to the stopping up of the twenty-one footpaths or highways in the Ruislip-Northwood scheme represent a sum of not less than £700. In the case of this scheme it is provided that no footpath or highway shall be stopped up until the substituted roadway or street is open for public use.

It will be found on reference to Clause 16 of the Quinton, Harborne, &c. scheme that a large number of highways and footpaths are also dealt with under that scheme.

### THE ADJUSTMENT OF BOUNDARIES OF ESTATES.

The need for a Clause giving to the Local Authority power to adjust boundaries of land in cases where the proper laying out or development of an estate cannot be secured without such adjustment and alteration of boundaries will arise in many Town Planning schemes, and Town Planning Committees will in such cases recognise the value of the Clauses inserted in the Quinton, Harborne, &c. scheme (Clause 23) and in the Ruislip-Northwood scheme (Clause 27).

It will be found on reference to the Appendix that these Clauses are almost identical in their wording. They secure in effect that, where the owners fail to agree as to the conditions of the required adjustment, the Council, or any person interested in the land which is the subject of adjustment, may apply to the Local Government Board to appoint an arbitrator whose decision shall be final as to the conditions of adjustment.

A valuable power to “ ease off ” difficulties is given to the Council in Clause 23 Sub-section (d) of the Quinton, Harborne, &c. scheme. Under this Clause the Council may acquire and sell land needed for this adjustment of boundaries. A similar power is given to the Ruislip-Northwood Urban District Council under Clause 27, Sub-section (d).



THE EXTENT TO WHICH ROADS MUST BE MARKED ON THE FINAL  
MAP WHICH FORMS PART OF THE TOWN PLANNING SCHEME.

In the days when the work of preparing Town Planning schemes represented a kind of voyage in an unexplored country, the question as to whether it would be necessary to mark all roads on the Town Planning Map or not was discussed with great keenness at Town Planning Conferences.

The Birmingham City Council, however, placed the point beyond dispute by providing in their scheme that the work of site planning, as distinct from Town Planning, should be left for later treatment.

It is interesting to note that in this respect (as in the power to limit the number of houses per acre without compensation), the practice of Town Planning in Great Britain already marks a real advance on the practice of Town Planning in other countries of Europe. In Charlottenburg, for example, the City Council some years ago planned in close detail the roads over a large area, and as the prevailing demand then was for wide streets flanked with high tenement dwellings for both rich and poor people, the roads marked on the map were accordingly planned. In recent years a desire has, however, been expressed to secure sites for villas and small houses, but the land bordering the roads as planned has acquired in the eyes of the owners a high value as tenement building land, and this price is prohibitive so far as the building of villas and small houses is concerned. Unhappily, the adoption of a new and better type of development is rendered almost impossible by the fact that the owners of the land have in many cases borrowed money on mortgage close up to the estimated building value of the land, as land for tenement houses.

The method of providing for future road construction adopted by the Birmingham City Council in their Quinton, Harborne, &c., and East Birmingham schemes, and copied by the Ruislip-Northwood Council in their scheme, is quite simple, and may be thus described :—

- (1) The main arterial roads are marked on the map and are provided for in the scheme ;
- (2) Those secondary roads which are recognised as necessary are also marked on the map and provided for ;
- (3) Residential roads are not marked on the map, but the conditions of growth are controlled by the following conditions :—
  - (a) The plans and sectional drawings of all new streets proposed to be constructed must be submitted to and approved by the Corporation ;

- (b) When it is proposed that a new street shall be constructed the Local Authority may in addition require—

“ Any owner or owners of any estate or lands within the area, the development of which will be affected by the construction of such street, to furnish to the Council, at the expense of such owner or owners, and within a reasonable time to be specified in such notice, plans and particulars showing generally a scheme for the development or laying out of such estate or lands.”

- (c) Provision is made in the scheme itself for the limitation of the number of dwellings per acre, over the whole area, the number varying in different parts of the area ;
- (d) In the case of the Ruislip-Northwood scheme (but not in the case of the Birmingham schemes) provision is made for fixing a definite proportion of open land on each building site.
- (e) A minimum distance is fixed for the set-back of the building line from the centre of the road. In the case of the Quinton, Harborne, &c. scheme this is 72 feet ; in the case of the Ruislip-Northwood scheme it is 60 feet.

The effect of all these conditions taken together is to secure that adequate control over the methods of lay-out is placed in the hands of the Local Authority, whilst at the same time the maximum of liberty is left with the owners and others interested in the land, to modify and improve upon their detailed methods of lay-out.

#### THE LIMITATION OF THE NUMBER OF DWELLING-HOUSES PER ACRE.

This subject has already been dealt with in the preceding chapter, and is further dealt with in a later chapter on “ The desirability of Town Planning from the point of view of the Landowner and the Land Developer.”

It will, however, be of service to discuss here what standards of limitation Town Planning Committees should recommend their Councils to adopt.

Before answering this it will be well to explain yet again, even at risk of undue repetition, the standards adopted by the Birmingham City Council in their Quinton, Harborne, &c., and East Birmingham schemes, and by the Ruislip-Northwood Council in their scheme.

In the Quinton, Harborne, &c. scheme the standard decided upon is an average of twelve dwelling-houses to the acre—the term “dwelling-house” being defined as a house “ designed for occupation by not more than one family, together with such outbuildings as are reasonably required to be used or enjoyed therewith.” Provision is, however, made that on any one land unit the number which may be built on any one (gross) acre shall not exceed twenty dwelling-houses. In the

event of twenty dwelling-houses being thus built there must be a less number built on other parts of the land unit. If, for example, the land unit is one of ten acres, it will be possible under the Quinton, Harborne, &c. scheme to build as many as 100 houses on five acres of this land unit, but on condition that only twenty houses are built on the other five acres of the land unit.

It should be added that for certain small areas marked vermilion on the map of the Quinton, Harborne, &c. area, the owners are permitted to build up to twenty houses per acre over the whole of their land units.

In the East Birmingham scheme there are three standards, viz. : twelve, fifteen and eighteen dwelling-houses per gross acre. As in the case of the Harborne and Quinton scheme, twenty dwelling-houses may be built on any one acre, provided that the maximum numbers stated above for various areas in the scheme are not exceeded for each land unit. For certain special areas in the scheme twenty houses per acre are permitted on any part of the land unit.

Under the Ruislip-Northwood scheme the map is divided into areas edged as follows on the map :—

*Yellow,*  
*Orange,*  
*Medium green,* and  
*Blue.*

On the areas edged with *yellow* on the map an average of four buildings to the acre, roads included, must not be exceeded ;

On the areas edged with *orange* on the map an average of six buildings to the acre, roads included, must not be exceeded ;

On the areas edged with *medium green* on the map an average of eight buildings to the acre, roads included, must not be exceeded ;

On the areas edged with *blue* on the map an average of twelve buildings to the acre, roads included, must not be exceeded.

These limitations of the number of buildings per acre are to be averaged over the whole land unit, but as many as twenty buildings may be built on any single (nett) acre.

It will now be of service to consider what standards of limitation of the number of dwelling-houses per acre Local Authorities should adopt as a general rule throughout England and Scotland.

In regard to the Southern and Midland Counties of England there is a general consensus of opinion that a standard of twelve to the acre is a standard which can be agreed upon as wise, both in the interests of the community and the land-owner. But in the industrial districts of the kingdom, *e.g.*, in Lancashire, Yorkshire, Northumberland, Durham, and the South of Scotland, there is by no means



the same unanimity of opinion, and whilst it is admitted that the adoption of good standards of limitation is both practicable and desirable in southern counties, where the climate is less rigorous and where, it is stated, land is cheaper, a standard of twelve dwelling-houses to the acre is regarded by some critics as a "standard somewhat difficult of attainment" in the northern parts of the kingdom.

When an endeavour is made to understand why this view is held, it is found to be based on the following opinions, amongst others :—

- (1) That land is too dear in these industrial areas to permit the adoption of good standards of limitation ;
- (2) That in industrial districts it is not practicable to make the same provisions for amenity as in the case of towns where the leisured classes live ;
- (3) That the climate of these industrial areas does not permit Garden Suburb types of development to be adopted.

The matter is one of vital importance, and it will be of service, therefore, to consider these points with great care and without any prejudice, because they are honestly held by some members of Local Authorities, who, whilst willing and anxious to use the new Town Planning powers, are greatly troubled and perplexed with the difficulties which they encounter.

To begin with, it is necessary to state clearly the issue and to point out that if it is true that whilst Town Planning and the provision of amenities is a good policy for areas in which leisured people live, but is not a policy possible of adoption in areas where the strenuous work of production is done, then a condition of affairs calling for the attention of Parliament is laid bare, for it is in these same industrial districts that the worst faults of bad planning have in the past been committed.

If amenity costs too much in the neighbourhood of workshops, factories, and mines, then an injustice of the gravest possible character calls for remedial action. It is not right that those whose toil is the most strenuous should enjoy the least amenity, and when the members of the leisured classes realise the debt they owe to the mass of men who form the base of the social pyramid, then instead of giving utterance to criticisms concerning the faults of the working classes, they will throw all their weight into the scale to secure for them better houses and happier surroundings.

Passing on to the detailed consideration of the points named above, it may be asked whether it is true that land is too dear in these industrial areas to permit the adoption of good standards of limitation.

On examination, it will be found that this statement cannot be justified. Land in large estates is being sold near all great centres of population at prices ranging from £150 to £300 per acre.

But it may be urged that these prices are for large estates, and that when land is sold in building plots it is sold at prices which—apart from the cost of road-making and sewerage—represent a capital value of from £500 to £800 per acre.

This is, however, quite a different statement. It means in effect that whilst as between a willing seller and a willing buyer land in bulk can be secured in industrial districts at prices so reasonable that new standards can be readily acceded to, yet when parcelled out in small sites the aggregate price per acre is doubled and trebled. But this is not a reason for adopting Town Planning standards to fit in with a system of land speculation, but of inducing and, if necessary, compelling, land owners and land developers to adopt methods of greater public service.

Too much stress is laid on the need for not dealing harshly with land owners and land developers. Given good business ability these interests will be quite as prosperous under Town Planning control as under the old system. All that it will mean will be that they will be compelled to do what business men in Lancashire and elsewhere have learned to do for nearly a century, viz. : be content with small profits on many transactions, and not try to make large profits on a few transactions—thereby crippling the effectiveness of the demand.

Moreover, it is a mistake to assume that the financial interests of the land owner and the land developer are the most important financial interests concerned. There is another interest of much greater importance, viz. : the interest of the investor in house property—an interest which is much less powerful, but more vital than all the others taken together.

How important it is that this interest should be considered by Local Authorities can be seen by studying an example taken from the inner suburbs of London. In the period between the "fifties" and the "eighties," many thousands of houses were built in these inner suburbs of a type which is quite good structurally, but with two cardinal faults as far as modern tastes are concerned, viz. : the crowding of them in gardenless streets, and the construction of basement rooms below the level of the street.

The lack of brightness in these streets and the gloom and unhealthiness of the basement rooms has rendered this type of house unpopular, and, except where the pressure of demand for accommodation is great, these houses do not let well, and both their saleable value and rateable value has been adversely affected. This loss, however, does not fall on the landowner, the land developer, or the builder. It falls on the investor, and in a measure on the ratepayer, whose rates must be increased to make up the deficit if other property is unlet in the same rateable area.



That which has already happened in regard to this property will happen to much of the working class property of the old type in the near future. Some of it is only kept occupied because of the presence of a kind of "house famine" in some towns. When once the supply of better houses becomes at all adequate the slump in the values of property built in long rows in dreary streets will be such that great losses will be sustained by investors in house property, including many families who have invested in this way the savings of a lifetime.

The adoption of the new method of lay-out is just as inevitable as the substitution of the power loom for the old hand loom, and in the interests of investors in property, and especially of working class investors, Local Authorities should, in preparing Town Planning schemes, insist on the adoption of a good standard of lay-out, even though it may seem at first a high standard, but which when it is adopted and becomes part of the normal standard, will be regarded as none too good for a Local Authority which prides itself on being well abreast of other progressive Local Authorities.

Coming to the second point, viz. : that it is not practicable to make the same provision for amenity in industrial districts as in the case of towns where the leisured classes live, it may be pointed out that it is just these industrial districts where the amenity is most needed and where, if necessary, a national effort should be made to secure it.

The man whose working life is spent in the gloom and dirt of the mine, has more need of brightness and light than the man who works in an office, even though the latter may be, and is, more insistent in his demand for these good features in and around his home.

It is interesting to note in this relation that there are still many men, most of them of an older generation, who think that a district of hard work must be of necessity a grimy and gloomy district. Smoke and grime has become familiar, and even dear to them as the scene of fortune building, and they are inclined to regard as impracticable attempts to introduce any large measure of amenity into the working places of the world.

It is true that their view is rapidly disintegrating under the influence of the younger generation, and they themselves are yielding to the temptation to "live away from" the dreary villages and towns in which they have made their money. But they are quite honest and sincere in their beliefs—or, to be more correct, in their prejudices—just as the old Puritans were sincere in their insistence on gloominess as a sign of righteousness.

To argue against this point of view would be futile. It can only be opposed and placed aside as out of date and belonging to the old days when every attempt to regulate hours of labour or conditions of factory life was regarded with suspicion and as in some way hurtful to efficiency.



The third point—that the climate of the industrial districts is not suitable to Garden Suburb development, can be shewn to be erroneous by paying visits to Garden Suburb Villages at Hull, Oldham, Newcastle-upon-Tyne, Liverpool, and Manchester.

It may not be possible to grow flowers in such profusion in these districts as in some Midland and Southern towns, and the garden produce may not be so valuable, but the fact that garden cultivation can be made to flourish has been placed beyond dispute in these experiments.

When all these difficulties have been discussed there remains then simply the one great difficulty of the price of land, and Local Authorities when their desire to adopt good standards of lay-out is opposed by those interested in the maintenance of high prices of land, must make their choice as to which course they will adopt.

But in making their choice, they should realise clearly that if they yield to the demand for poor Town Planning standards, their districts will be badly planned and the health of the people will suffer, whereas if they insist on good standards the same result will follow as when Parliament decided to exercise rigid control over the hours and conditions of labour of women and children employed in factories. Factory owners, and employers of labour then had to submit, despite all their protests and forebodings of ruin to their industries. Untold good has resulted from these limitations, and so far from manufacturers being ruined, their wealth has increased.

Landowners are now required to submit, in a similar way, their methods of land use to the control of the community acting through the Local Authority, and they will find, just as the factory owners found in the "forties" and "fifties" of the nineteenth century, that when these new conditions are insisted upon they will not lose as a whole, and that the community will gain enormously.

#### THE FIXING OF A LAND UNIT.

In preparing the details of their schemes Town Planning Committees will find it necessary to give much care to the discussion of the kind of land unit which will be most suitable for their area.

In the case of the Quinton, Harborne, &c., and East Birmingham schemes the land unit is in effect the land belonging to any one owner, if this land forms one complete holding. If the owner of this land owns other land in the area of the scheme, the decision as to whether this other land shall be regarded as part of the first land unit or whether it shall form a separate land unit, is left to the Corporation.

In the Ruislip-Northwood scheme the map of the area is divided up in 5 acre squares, and these squares form the basis of the land unit.

It would appear at first sight that a purely mathematical division into land units of the area of a scheme is of less value than the division in actual estates, but the arguments in favour of the Ruislip-Northwood method are quite as strong as those in favour of the Birmingham method.

Another method of determining a land unit has been suggested, viz. : that those pieces of land which lie between two roads, and which for many reasons can be grouped in a kind of natural land unit, shall be fixed upon as the land units for a scheme.

Where the area to be planned is already well supplied with roads, it would seem that this suggestion has much in its favour, but with great stretches of land without any roads made at all, and without any distinguishing features, it would hardly seem to meet the case.

Exactly what new standards will be evolved it is difficult to say, and only experience can shew which is the best land unit to adopt.

The two main points to be borne in mind in determining the character of the land unit, are, however,

- (1) The need for giving facilities to owners and land developers to group their cottages in such a way as to involve a minimum expenditure in road-making, whilst securing a maximum of amenity to the tenants of the houses ;
- (2) The need for preventing the massing of too many houses on any part of an owner's land.

If, for example, a land unit of 50 acres is fixed upon, with an average of twelve houses per acre, and with a maximum of twenty on any one acre, the owner could place 600 houses on 30 acres and leave the other 20 acres quite free of buildings. It is true that the presence of this large space, even if used for the purpose of a nursery garden, would have a certain health value, but this value would be small compared with the amenity value of the land when distributed amongst the houses in a series of small open spaces, recreation grounds, and, best of all, private gardens.

#### THE FIXING OF CURTILAGE SPACE ABOUT BUILDINGS DETERMINING THE RELATION OF THE AREA ACTUALLY BUILT UPON TO THE WHOLE AREA OF THE BUILDING SITE.

In discussing this question of the space about buildings, Local Authorities will do well to copy the example of the Ruislip-Northwood Urban District Council in adding to the provisions made by them as to the number of dwellings per acre, by providing also that there shall be a minimum proportion fixed between the site actually covered with buildings and the whole building plot.

Clause 45 of the Ruislip-Northwood scheme provides that

" The proportion of land within the curtilage of the site of a shop, including a dwelling-house forming part thereof, hospital, workhouse, college, school (not being merely a dwelling-house so used), building of the warehouse class or domestic building not being a dwelling-house which may be occupied by buildings shall not exceed one-half of the whole area of the curtilage : Provided that, subject to the bye-laws for the time being in force with respect to open space in front or in rear of buildings in the case of a shop the extent of the buildings shall be measured at a level of 14 feet above the mean level of the footway in front thereof.

Clause 46 provides that

" The proportion of land within the curtilage of the site of a dwelling-house which may be occupied by buildings shall not exceed one-third of the whole area of the curtilage where such buildings are erected on land having a frontage to more than one street or where such buildings are dwelling-houses not exceeding one storey in height and one storey in the roof with offices and out-buildings attached thereto or used in connection therewith : Provided that, on the application of owners of land forming the curtilage of the sites of four separate dwelling-houses adjoining and having together a frontage to more than one street, the proportion of land which may be occupied by buildings shall be reckoned as an average over the area of the curtilages of such four sites. In all other cases of dwelling-houses such proportion of land shall not exceed one-fourth."

It will be seen from these Clauses that in the case of most dwelling-houses not more than a fourth of the building plot can be built upon—that is to say, for each part built upon there shall be three parts left open. In other cases where corner sites are dealt with, and in the cases of shops and other business premises, the proportions vary, but the principles remain the same, viz. :—

- (1) That the greater the site of the building the larger the site left unbuilt upon ; and
- (2) That each dwelling-house must be provided with garden space quite irrespective of recreation grounds and other private or public open spaces.

#### OPEN SPACES.

The Birmingham City Council in preparing their Quinton, Harborne, &c. scheme considered the provision of open spaces in four classes, viz. :—

- Parks and ornamental gardens.
- Playgrounds for the smaller children.
- Playing fields for organised games, such as football and cricket.
- Private open spaces.

#### PARKS AND ORNAMENTAL GARDENS.

Taking these in the order given above, it will be of service to recognise that the large park or ornamental garden is the most costly and least effective method of providing amenity.



It is the most costly because Local Authorities cannot hope to secure that land shall be given for this purpose except under special conditions. Land in bulk for this purpose must either be bought or be made the subject of gift from a philanthropic member of the community, and when it is secured, a heavy burden of upkeep must be borne. Apart from some parks situated close to the great centres of population, or easily accessible, such as the London Parks, Queen's Park (Glasgow), Jesmond Dene (Newcastle-upon-Tyne), Roundhay Park (Leeds), the services rendered by great public parks would seem to be out of proportion to their cost to the community.

Local Authorities in preparing Town Planning schemes will therefore act wisely in placing aside ambitious schemes for great parks, and in concentrating their attention on the provision of small parks, recreation grounds and ornamental gardens. One of the happiest forms of providing this amenity is to be found in the acquisition of an old mansion house standing in small grounds. On the borders of most towns houses of this kind are standing empty, and can be acquired at prices much less than their cost of construction. In many cases a house of this kind can be used either as a local library or museum, rooms can be provided for local meetings, and the grounds can be laid out to serve a variety of purposes, *e.g.*, as flower gardens, small playing fields, &c.

An almost perfect example of a fine old house and grounds transformed into a museum and a public pleasure ground, is to be found in Exeter in the De Rougemont Park. It is true that this is close to the centre of the town, but there must be in many areas amenities of this kind which may be made the subject of Town Planning schemes; houses with grounds already planted with fine old trees and shrubs, to be bought at a price which a Local Authority can afford to pay, with the conviction that a great amenity is being secured at a relatively small cost.

In preparing the draft of their scheme, the Prestwich Council have wisely endeavoured to secure an amenity of this kind.

In North America much has been written and said in regard to the creation of "civic centres," and many City Authorities in the United States and Canada are busy at work with the aid of architects, including at least one eminent English town planner—Mr. T. H. Mawson—in transforming the centres of their towns.

Work of this kind is, however, impossible at the present stage in Great Britain, if only because the Town Planning Act does not give power to Local Authorities to remodel the centres of existing towns. But the creation of local, district, civic centres provides an admirable opportunity for the exercise of some of the highest qualities of Town Planning skill.

Why, for example, should not the Public Library, the Concert Hall, the various Churches and Chapels, and other buildings necessary to the life of a well-developed suburb, be grouped harmoniously in well-planted public gardens?

Another admirable method of providing the small recreation ground and park is in a long strip close to a public road. This form of amenity is known in the United States as a Parkway, and as a result of the American willingness to dispense with walls and fences, the gardens of the houses give an additional charm to the park-like character of the road.

If this parkway or boulevard be constructed alongside those roads which the population choose in this country as their promenade on half-holidays and Sundays, then the value will be greatly increased, for the amenity will not only be of service to the residents, but will also be of value to those living closer in to the centres of the town, and in such cases some measure of general expenditure will be justified.

An interesting example of the provision of this kind of boulevard garden has already been alluded to, viz. : the agreement, entered into by the Ruislip-Northwood Urban District Council with the owners of the swampy land bordering on a little stream (which runs transversely through their area) to take this over as a pleasure garden, as and when the district comes into use as a residential area. At present it is purely agricultural land, and the Local Authority will therefore not take it over until the development of the district warrants the expenditure of public money on the lay-out and upkeep of the garden.

#### PLAYGROUNDS FOR THE SMALLER CHILDREN.

The provision of playgrounds and gardens for the smaller children demands great care, for in the past the neglect of this matter has been deplorable. One of the most pathetic sights to be seen in a great industrial town is that of a group of slum children on May Day, with one of the smallest children dressed as a Queen of the May, with a head-dress made of a piece of window curtain and one or two discarded artificial flowers. The imagination of the children renders possible these illusions, but those who have seen these little processions of bedraggled slum children coming from gardenless streets will have felt how great is the need for alteration in our methods of town development. These slum areas are spoiled beyond remedy, but in all new areas ample recreation grounds and gardens should be provided for children to play in.

It may be of service to suggest that the best of all playgrounds for them is that formed out of an irregular shaped piece of land between the back gardens of houses and approached by a footpath. Here children can play in perfect security. It is necessary in such cases to forbid the use of the ground for organised games by larger children, but if this is done and care is taken to prevent over use, an admirable amenity can be secured.



## PLAYING FIELDS FOR ORGANISED GAMES, SUCH AS FOOTBALL AND CRICKET.

It will be seen on reference to the map of the Quinton, Harborne, &c. scheme that four separate areas of playing fields have been secured by the Birmingham City Council. The Town Planning Committee wisely referred this matter to the Playing Fields Committee of the Corporation, and it was in accordance with their advice that these areas were marked down as playing fields.

These have been secured under Clause 20 of the scheme, and it is provided that :—

“ The Corporation shall have the like powers in regard to the said lands, or any of them, when acquired by the Corporation as if the same were acquired for the purposes of public walks and pleasure grounds under the Public Health Acts.”

How economical this method of providing for the acquisition of playing fields when preparing a Town Planning scheme really is will be seen from the fact that the average cost for this land was only £80 per acre.

In the Ruislip-Northwood scheme under Clause 29 (c) no less than thirty-six different pieces of land have been acquired for open spaces—some of these for the purpose of playing fields, and other pieces for use as recreation grounds and parks.

In many cases these will be given by owners, and Town Planning Committees entering upon the preparation of schemes will be encouraged to know that the estimated value of the land given to the Ruislip-Northwood Urban District Council is from £8,000 to £10,000.

## PRIVATE OPEN SPACES.

It is interesting to note that whereas in the Quinton, Harborne, &c. scheme the term “ private open space ” does not appear, the provision of this form of amenity occupies a great part in the Ruislip-Northwood scheme.

There can be no doubt that the provision of private open spaces will play a most important part in the preparation of Town Planning schemes, and it will be of service, therefore, to consider the various forms which they may take.

These may thus be described as follows :—

- (1) The reserving of spaces between houses as small playing grounds for the children of the tenants of adjacent houses.
- (2) The reserving of open spaces in quadrangles.
- (3) The provision of small recreation grounds and gardens—for example, small pieces of land at road junctions.



In some cases these are conveyed to the Council, but in the majority of cases they are kept in the hands of the owners of land and the tenants of the houses. They cannot, however, be used for other purposes, and cannot be built upon, although under Clause 30 the land may be used for agriculture or horticulture, and green-houses may be built upon the land. Under Clause 33 it is provided that these private open spaces must

"Be maintained in good order, and when required by the Council shall be fenced by and at the expense of the owner. If such private open spaces or the fences thereof are neglected the Council can do any works necessary and recover the cost from owner."

### THE PRESERVATION OF AMENITIES.

Town Planning Committees will do well in giving consideration to the preservation of amenities to discuss in close detail the following points :—

- (1) The proper care of private gardens—especially gardens in forecourts, and the framing of regulations in regard to the keeping of animals in gardens.
- (2) The choice of suitable fences, and the prohibiting of the erection in gardens of unsightly buildings.
- (3) The prohibition of advertisements.

### THE PROPER CARE OF PRIVATE GARDENS—ESPECIALLY GARDENS IN FORECOURTS, AND THE FIXING OF REGULATIONS IN REGARD TO THE KEEPING OF ANIMALS IN GARDENS.

The extent to which a Local Authority in preparing a Town Planning scheme should impose regulations on owners of land and tenants of houses, is a matter calling for much care, and if a word of advice may be given it is that the fewer the regulations framed and imposed, the greater will be the chance of securing cheerful acquiescence in those which are placed in operation.

In the Ruislip-Northwood scheme regulations have been framed to secure that all

"Private gardens, allotments, or private open spaces, shall be kept in such a state as not to be a nuisance or annoyance to persons using the highway or to neighbours. The Council may take steps to abate such nuisance and may recover the costs from any person served with notice."

An almost identical Clause is inserted in the Quinton, Harborne, &c. scheme. Exactly how these Councils will interpret the terms "nuisance" and "annoyance" it is difficult to say. Will it, for example, be regarded as a nuisance if one tenant permits his garden to become a weed patch, from which the seeds blow over into neighbouring gardens to give unnecessary work and produce bad temper?

No reference is made in these regulations to the question of the keeping of domestic animals in gardens. Shall the keeping of pigeons or fowls be permitted?

In regard to all these matters of individual treatment of gardens the wisest course for a Local Authority to take will be that of leaving many of the detailed arrangements in regard to these matters to be framed by the owners of the groups of houses. When conditions of this character are framed by those responsible for the letting of the houses, and families on entering houses know that these conditions are imposed impartially on all tenants, then whilst they may murmur against them they will obey them.

#### THE CHOICE OF SUITABLE FENCES AND THE PROHIBITING OF THE ERECTION IN GARDENS OF UNSIGHTLY BUILDINGS.

The need for special provisions in regard to fences is one which on a little consideration will be recognised to be of real importance. Nothing is more depressing in the old type of suburban road than the long stretches of high brick walls. With the planting of a thick hedge around a well-constructed fence instead of the dreary brick wall, the whole aspect of the road may be changed.

It is true that the tenant of the house and the grounds flanked by the wall has a right to privacy and quietude, but in the securing of these benefits he has no right to injure the amenity of the district in which he lives.

The action taken in this respect by the Ruislip-Northwood Council applies simply to the height of the fence, and it will be seen in clause 64 that it is provided that except in streets in which buildings of the warehouse class are permitted, the fences or boundary walls shall be limited to 5 ft. 6 in. in height, and in most cases 5 ft. in height.

It is probable that this provision will be greatly improved upon in other schemes.

No provisions are made in this respect in the Birmingham schemes.

The question of the character of fences in back gardens will probably be left in most cases to those who build the houses and let them to tenants. It will, however, be well to avoid going from one extreme to the other and replacing the high wall and fence by posts and wire only. The dividing fence should at least be "dog proof," and in the earlier years of garden suburb development it will be well to make these fences of fairly substantial materials.

In the case of cottage houses it is hoped that the practice of building small walls with stone pillars flanking the gate will disappear. As a general rule the more simple the front fence the better the effect.

In this relation it may be of service to add a word as to the fencing of public gardens and private open spaces. In this country the fear that plants may be destroyed has often led those responsible for the lay-out of small gardens to erect iron fences of the same kind as those surrounding the London Squares, with the result that instead of the colour of shrubs being the prevailing note, the passer-by sees more iron fence than garden.



If in such cases Local Authorities had the courage to destroy unsightly fences and to replace them by, say, an inexpensive fence of iron netting stretched between a series of posts, and with a neat band passing along the top of the netting—the whole painted green—they would be agreeably surprised at the result secured. The public gardens at Rheims are treated in this way, and provide one of the best examples of good taste in fence construction that the Continent of Europe can shew.

That there should be some restriction as to the kind of material to be used for the construction of temporary buildings in allotments or in rear gardens, will be generally agreed.

The structure of galvanised iron and old wood covered with waterproof felting, which so often spoils the aspect of a whole series of gardens, should be forbidden either in the provisions of a Town Planning scheme or in the regulations of the private estate.

In the Hull Garden Suburb, Mr. Runton—the Architect—has been responsible for the framing of a regulation that the designs of all the temporary buildings must be submitted to and approved by the officials at the Estate Office. If this were done generally there would be no need to deal with the matter in a Town Planning scheme.

### THE PROHIBITION OF ADVERTISEMENTS.

The Clause (62) in the Ruislip-Northwood scheme dealing with this subject, is as follows :—

“No person shall in the area erect, fix, place, or use or permit to be used in such a position or manner as to interfere with the amenity of the area or any part thereof any building, hoarding, framework, structure or device for the purpose wholly or in part of advertising, but this prohibition shall not apply to the exhibition of traders' names and businesses on shops or factories, or to any notices exhibited on public buildings.”

A similar Clause is included in the Birmingham schemes.

The words “permit to be used” would seem to enable a Local Authority to insist that objectionable advertisements existing in the area before the preparation of the scheme shall be removed, and if this reading of the Clause be correct, the power will be most cordially welcomed as giving Local Authorities the power to get rid of advertisements when these spoil the amenity of a suburb. In populous places the advertisement hoarding can often be made most attractive, and it may be well to use this power not only to suppress advertisements in unsuitable places, but also to secure that where they are permitted they shall be so arranged that they actually add to the amenity of the district.



## COMBINED DRAINS.

The problem of the combined drain has seemed to many Local Authorities almost as difficult of solution as the famous case of *Jarndyce v. Jarndyce* in "Bleak House," but happily the Ruislip-Northwood Council has shewn that under a Town Planning scheme there is a way out of the difficulty.

Their Clause (57) is as follows :—

(a) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Council may, when the drains of such houses are first laid, order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct, and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine, and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners, subject to a right of appeal under Clause 77 of this Scheme in regard to the amount of such last-mentioned costs and expenses or the amount thereof to be borne and paid by any person.

(b) Any combined drain constructed in pursuance of this clause shall, for the purposes of the Public Health Acts, be deemed to be a drain, and not a sewer.

(c) Provided that the Council shall not, except by agreement with the owners, exercise the powers conferred by this clause in respect of any house plans for the drainage of which shall have been previously approved by them.

The Clause has been carefully drafted and would seem to be effective. If in experience this is found to be the case, one of the most fruitful causes of dispute between builders and Local Authorities will disappear.

## THE FRAMING OF PROVISIONS RELATING TO BUILDING CONSTRUCTION.

The power of a Local Authority to frame special provisions relative to the construction of buildings and the use to which buildings may be put, is one of great importance, and will, as stated in an earlier chapter, be of special value to Local Authorities (and especially Scottish Local Authorities) whose building regulations are too stringent.

The subjects thus dealt with in the Birmingham and Ruislip-Northwood schemes include :—

The power to secure alteration in the designs of houses or the materials of which they are to be constructed.

The fixing of (a) minimum heights of windows in rooms ; (b) minimum areas for certain rooms in dwelling-houses ; (c) the equipment of a cottage with larder and separate closet accommodation.

The insistence on breaks in building lines.

Dealing with these in the order given above, attention may be drawn to Clause 56 of the Ruislip-Northwood scheme. It will be seen that this power, although possessed in part by some of the Dean of Guild Courts in Scotland, is almost entirely new as far as the powers of English and Welsh Local Authorities are concerned.

This power governs not simply the design, but also the undue repetition of the design. Further, it enables a Local Authority to express disapproval of the materials proposed to be used. When wisely used this power should be productive of much good, in securing harmony in the architectural development of a district, and in rendering impossible the continuance of the production of the "brick box with slate lid."

The power to fix the height of windows in habitable rooms given to the Ruislip-Northwood Council in Clause 53 of their scheme, has been misunderstood to mean that the Council permit the building of rooms of only 7 ft. in height. This Clause, however, provides for the height of windows only, and does not refer to the height of the rooms. The height of the rooms is fixed by the Bye-Laws of the Local Authority, and as the height of rooms is not touched by these new provisions, the Bye-Laws on this point remain in force. In this case the minimum height permitted by the Bye-Laws is 8 ft.

In some districts this will be regarded as too low. For example, in Scotland where rooms 9 ft. to 10 ft. in height are the rule, it will be regarded as a standard which should on no account be adopted.

But it will be well to bear in mind the fact that these conditions are framed to control the building of cottage houses in which there will be, as a rule, three bedrooms, and that therefore the standards as to height of rooms which are regarded as essential in the case of "room and kitchen" homes in Scottish tenements, may be safely relaxed in garden suburbs.

Clauses (58) and (59) in the Ruislip-Northwood scheme deal with the provision of proper larder accommodation and the provision of closet accommodation to each house, or, where the house is transformed for use by more than one family, the provision of suitable larder and closet accommodation for each family.

If such Clauses as (59) are inserted in schemes governing the development of mining areas in the North of England, an end will be placed to the system under which several families have to share the use of one closet—a condition of affairs which ought to be non-existent in the twentieth century.

It will be of service to point out here that under the Ruislip-Northwood scheme, under Clause 49 (g), flats for two families are reckoned as two dwelling-houses, and therefore only six of these flats can be built per gross acre.

In the Quinton, Harborne, &c. scheme provision is made for breaks in building lines in Clause 18, as follows :—

“ Not more than eight dwelling-houses shall in any place be built under one continuous roof or without a break in building down to ground level, and no such break shall be of less width than 5 feet.”

The same provision appears in a modified form in the East Birmingham scheme, but no provision of this kind is made in the Ruislip-Northwood scheme.

The modifications in building construction noted above, only represent a small part of the possibilities opened up for the improvement of the regulations governing building construction. Only those Local Authorities who have tried to amend their Bye-Laws will have realised (1) how great a task it is to relax these unconditionally, and (2) the invaluable opportunity given to them by the preparation of a Town Planning scheme to allow much needed relaxations.

## SECTION III.

### THE COST OF A TOWN PLANNING SCHEME.

What is likely to be the financial responsibility falling on a Local Authority in undertaking the preparation of a scheme and in carrying the scheme into effect ?

In reply to this question, it may be said that the expenditure falls into two classes :—

- (1) The technical and legal cost of preparing the scheme ; and
- (2) The payment of compensation when this is incurred.

The various details in regard to both these items have been so admirably dealt with in the Report of the Chadderton, Crompton and Royton Urban District Councils, already referred to, that their notes on this subject are reproduced here.

They say :—

“ It was the opinion of Mr. Dickinson (the Comptroller of the Local Government Board's Town Planning Department) that the cost of obtaining an approved scheme for the three Districts should not exceed, altogether, £500, but we prefer to allow a little margin and would suggest that £750 be taken as a reasonable estimate.

“ This would include the following necessary proceedings :—

- (a) Bringing the Ordnance Map up to date.
- (b) Settling area of land to be included in scheme.
- (c) Preparing Register of specified persons, who would require serving with notices at various steps in the procedure.
- (d) Service of Notices.
- (e) Cost of different Maps and preparation of same to show the specified requirements.
- (f) Advertising and printing.
- (g) Meetings with owners and interested persons who are to be consulted at various stages, also Local Government Board Inquiries.



" There would probably, at a later stage (in the carrying out of the scheme) be some expenditure under the following heads, but it cannot at present be estimated. If the scheme is carefully devised it should not be great and the cost would only be incurred as the district develops :—

- (h) Purchase of property which might be necessary for the carrying out of the scheme. This however would probably only become necessary gradually, as the scheme in later years developed, and with careful planning should not be much.
- (i) Acquisition of land desired for roads or open spaces. This would be quite dependent on what a district decided to do. In some districts landowners have found it advantageous to give land for this purpose.
- (j) Cost of road widenings (where unavoidable).
- (k) Compensation for being injuriously affected. (This right to compensation is, however, subject to stringent conditions and limitations.) It is expected that by reasonable arrangements with landowners very little compensation if any will be necessary.

" It must be clearly understood that the estimated cost of £750 would be exclusive of expenditure under items h to k which cannot of course be determined beforehand.

#### THE TECHNICAL AND LEGAL COST OF PREPARING A TOWN PLANNING SCHEME.

It will be seen that the technical and legal cost of preparing a scheme is estimated by these Councils as from £500 to £750.

The acreage of these Local Authorities is as follows :—

Chadderton	..	..	..	3082 acres.
Royton	..	..	..	2145 "
Crompton	..	..	..	2865 "

The rateable values of these areas are :—

Chadderton	..	..	..	£149,050
Royton	..	..	..	£89,596
Crompton	..	..	..	£82,986

so that the amount is about equal to a rate of  $\frac{1}{2}$ d. in the £ for each of the Urban District Councils.

There is, however, no need to put the whole charge on the rates in a single year. The money can be borrowed, say, for a period of ten years, under the following Sub-sections (2) and (3) of Clause 65 of the Act of 1909 :—

" Any expenses incurred by a Local Authority under this part of this Act, or any scheme made thereunder, shall be defrayed as expenses of the authority under the Public Health Acts, and the Authority may borrow, for the purposes of this part of the Act, on any scheme made thereunder, in the same manner and subject to the same provisions as they may borrow for the purposes of the Public Health Acts."

" Money borrowed for the purposes of this part of this Act, or any scheme made thereunder, shall not be reckoned as part of the debt of a borough or urban district for the purposes of the limitation on borrowing under sub-sections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875."

The cost of the Quinton, Harborne, &c. scheme was £2,743 14s. 5d., but the other schemes of the Birmingham City Council will not cost a third of this sum. Here, again, it must be borne in mind that the work in preparing the Quinton, Harborne, &c. scheme was of a pioneer character, and much of this expense represents absolutely original work.

The cost of the Ruislip-Northwood scheme has been from first to last £700.

Both these schemes are, however, pioneer schemes, and the cost of subsequent schemes will be much less.

A word of warning should, however, be expressed against any attempt to do the work of preparing a scheme in an inefficient manner. Repeated references have been made in these pages to the need for a clear realisation on the part of landowners and land developers of the fact that in deciding on standards of limitation of the number of dwelling-houses per acre, the Local Authority will not be doing its duty unless it considers first and foremost the health and well being of the community.

But Local Authorities also owe a duty to the owners and developers whose land they are placing under control, viz. : the duty of exercising such care in framing provisions as to the relaxation of conditions of roadmaking, &c., as shall materially aid those desirous of developing their estates on good lines.

## SHOULD OUTSIDE TECHNICAL AID BE CALLED IN BY LOCAL AUTHORITIES.

Should Local Authorities call in outside technical aid to help their officers in the preparation of Town Planning schemes ?

This question will need to be discussed by the members of Town Planning Committees, and it is hoped that the following suggestions on this rather difficult subject will be of service :—

- (1) In the preparation of the *prima facie* case the point of importance to be determined is that of the area of the scheme. The work of preparing Maps No. 1 and 2, serving the notices and calling Conferences and meetings with owners, can, with the aid of the forms and information given in this book, be done by the officers of the Local Authority without outside help being given.
- (2) When the actual preparation of the scheme is entered upon Local Authorities should bear in mind that if they desire their officers to undertake the work of preparing the technical details and drafting the clauses of the scheme, they must make provision for enabling these officers to devote the necessary time to the study of the work of other Local Authorities.

In the case of the Surveyor, the study at first hand of various new methods of lay-out and of road construction is especially important. To hope that any officer, however able he may be, will be capable of evolving a good Town Planning scheme out of his own "inner consciousness" is to hope for the impossible.

Moreover, to treat the preparation of a Town Planning scheme as a kind of "off job" task is not fair to the landowner, not fair to the community, and not fair to the officers of the Local Authority. The production of a good Town Planning scheme is only possible when ability and skill are concentrated upon the work of determining the standards to be adopted, and this work cannot be well done in the absence of clear and accurate knowledge of what has already been accomplished in this field of work.

This will probably mean making journeys to enquire into the work of other Local Authorities, but if the information thus gained is taken full advantage of, it will be worth ten times the amount expended on securing it.

In 1911 the Chief City Engineer of Stockholm—Major Kinberg—paid a visit to England, and, in discussing the value of personal investigation of different methods of road construction, he stated that on one of his annual journeys to study the work of other cities, he found in use a form of kerbing and channelling which was at the same time suitable for adoption in Stockholm, and so much more economical, that on adoption it meant a saving of £1,000 per year to the ratepayers in the cost of construction and maintenance.

It may, however, be argued that information concerning these new standards will be of special service to land owners and land developers, and that the Local Authority will not gain, but this is a short-sighted point of view, for if the Local Authority shews a sincere desire to aid landowners and land developers, the officers and Committee of the Local Authority will be in a position of far greater power so far as the securing of gifts of land and the provision of amenities is concerned. In the case of the Ruislip-Northwood scheme, the gifts of land secured for public open spaces are, as already stated, estimated to be worth from £8,000 to £10,000.

To sum up, if the members of a Local Authority fail to realise the need for careful thought and study on the part of their officers and give this work to them as a task to be fulfilled in the spare moments which never come, the officers may regard it as a burden to be borne rather than as a task of public service to be fulfilled and a great blunder will be committed. The task of Town Planning differs from some municipal tasks in the fact that it is of vital importance, and this being so, the greatest care should be shewn in the fulfilment of it.



But in many cases Local Authorities will prefer to secure some kind of outside help for their officers, more especially where the Engineer or Surveyor is so occupied with other duties that he cannot give sufficient time to do the work properly. In such cases as these three courses can be adopted by a Local Authority :—

(1) The best of these three courses is that of securing the help of a skilled town planner to prepare, not the town plan, but a "general idea" plan, or several alternative "general idea" plans embodying a series of proposals as to roads, standards of limitation, &c., for the consideration of the Local Authority. The fact that these are prepared by someone outside the district, and that there is no danger of the feelings of the Surveyor or of any member of the Committee being hurt by the full criticism and amendment of the proposals, is a strong point in favour of the adoption of this course.

This course has the additional advantage that it leaves the actual making of the plan to the officers and Committee of the Local Authority. They take what they regard as best in the proposals submitted to them and reject the others.

(2) The second course is that of attaching to the staff of the Engineer or Surveyor, a skilled town planner to work under his direction and prepare a series of alternative schemes for the consideration of the Town Planning Committee. Several of the great Local Authorities in the kingdom have adopted this method, and there is much to be said in its favour. These Local Authorities have been able to secure the services of some young professional men—architects and surveyors—who have given close study to this question of Town Planning, and with the practical experience they are now securing their services will become more valuable in the future.

(3) The third course is that of arranging a Competition in order to secure a series of "general idea" plans.

In regard to the question of Competitions the architectural profession is torn in two, and there can be no doubt that from the point of view of the cost of production as distinguished from the cost to the buyer, the Competition method is most wasteful. There have been cases in which the amount of time and material expended by competitors in preparing designs for buildings has been equal to the cost of actually constructing the building, the design of which it is the object of the Competition to secure.

On the other hand, it is pointed out that unless the younger men in the professions can acquire skill by means of Competitions the work of Town Planning will stay in the hands of a few men and their assistants, to the exclusion of other equally competent men who have, however, not had the opportunity to develop their skill by practice.

One way of reconciling these differences is that of choosing a small list of competitors and paying each of them a minimum sum in any case, whilst giving an award to the author of the best general idea plan.

A word may be added as to the need for selecting the Town Planning Committee so that it shall comprise several men of business ability accustomed to negotiate matters and able to exercise influence on the larger body of the Local Authority.

The Birmingham City Council has been specially fortunate in this respect in securing the services of Alderman Neville Chamberlain as Chairman, and, as other members, of Councillors George Cadbury, junr., Siward James, and Harrison Barrow, to mention some of the members. It is due to the devotion of these Councillors and to the strenuous work of Mr. John S. Nettlefold during the years leading up to and succeeding the creation of a Greater Birmingham, that the pioneer Town Planning action of the Birmingham City Council has been so valuable. Their keenness has rendered much more effective the hard work of the City Surveyor (Mr. Stilgoe), the Town Clerk (Mr. Hiley), the Assistant Solicitor (Mr. B. S. Miller), and the Clerk to the Town Planning Committee (Mr. W. S. Body.)

The secret of the enthusiasm of these Councillors and officers for Town Planning work is a simple one. For many years, in one capacity or another, they have striven to lessen the evil results arising from bad conditions in the past. In this case they have had the chance to secure that in these new areas the fundamental conditions shall be good and wholesome from the beginning, and they have welcomed their opportunity with all the greater pleasure because of the many hours spent in striving to lessen the evil results following on conditions which have been wrong from the beginning.

#### THE COST OF CARRYING A SCHEME INTO EFFECT WITH ESPECIAL REFERENCE TO THE QUESTIONS OF COMPENSATION AND BETTERMENT.

In considering the cost of carrying a Town Planning scheme into effect Town Planning Committees, remembering in the past how, at almost every step, in securing municipal improvements, they have been compelled to pay large sums by way of compensation, will desire to have the situation in this respect clearly explained to them.

What, then, will be the cost of carrying a scheme into effect ?

In reply, it will be well to state quite frankly that at the present stage of Town Planning administration in Great Britain, it is difficult to define at all clearly on what grounds compensation will be payable under Town Planning schemes.

The ground on which compensation can be demanded is, however, that of "affecting injuriously the property of any person," and coupled with this will be the cost of acquiring any property, the removal of which may be essential to the proper carrying into effect of a scheme. This last is subject, however, to the important provision that compensation shall not be paid unless the building was begun or a contract entered into prior to the date of the application for permission to prepare a scheme.

But these points will cease to have any terrors for the members of a Town Planning Committee if they realise with absolute clearness one fundamental point, viz. : that the contents of a Town Planning scheme are to be determined by the Local Authority and not by the owners or others interested in the land.

Put in still plainer English, if in the course of their discussions of the proposed provisions of their scheme a proposal is put forward to make a line of road or to take any action which may involve the "affecting injuriously" of any land, they will be perfectly free to place completely aside this proposal and have nothing to do with it.

Town Planning Committees will, however, desire to consider the subject in much closer detail, and in order to clear the way for the building up of a reliable estimate of the cost of carrying a Town Planning scheme into effect as distinguished from the cost of preparing the scheme, it will be of service to pass in review the various matters which may be dealt with in a scheme, and then consider them from the point of view of possible claims for compensation or demands for payment of any kind.

The Birmingham schemes and the Ruislip-Northwood scheme contain provisions for dealing with the following matters :—

- (1) The limitation of the number of buildings per acre ;
- (2) The placing of restrictions as to the height and character of buildings, and incidentally the fixing of shopping areas and factory areas ;
- (3) The fixing of building lines and the making of provisions as to curtilage space around buildings ;
- (4) The provision of open spaces in various forms, both private and public ;
- (5) The planning of new arterial roads ;
- (6) The fixing of new standards of street construction in various parts of the areas of the scheme ;
- (7) The widening of roads ;
- (8) The construction of streets by the Council in certain cases ;
- (9) The insistence on better designs for houses ;
- (10) The prohibition of advertisements ;
- (11) The diversion and stopping up of footpaths and roads ;
- (12) The framing of building regulations.



To what extent then can any of these matters be made the occasion of claims for compensation or for payments of any kind by the Local Authority?

From the explanations given in the preceding chapters it is clear that provisions relating to (1), (2), and (3) can be included in a scheme without any danger of claims for compensation being incurred, provided always that the Local Government Board regard the action taken by the Local Authority as reasonable.

In regard to (4) the Local Authority will need to bear in mind the fact that if they desire to acquire playing fields and open spaces, over and above those that they can secure as gifts, by negotiation with the owners, they must be prepared to pay for them.

But it is also necessary to bear clearly in mind :—

- (1) That the members of a Local Authority will only purchase open spaces because they desire to do so.
- (2) That the payments when made—if they decide to purchase open spaces—will be for value received and will not be in any sense compensation.

It should also be added that if the Local Authority purchases land and forms recreation grounds and open spaces with the result that the amenity of adjacent sites is added to, the Local Authority will be in a position to claim betterment in accordance with the following Sub-section (3) of Clause 58 :—

“Where, by the making of any town planning scheme, any property is increased in value, the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the Local Government Board) shall be entitled to recover from any person whose property is so increased in value one-half of the amount of that increase.”

In the great majority of cases Local Authorities will, however, agree with owners and land developers that claims both for compensation and betterment shall be waived and regarded as “cancelling each other out.”

This has been in effect the experience of the two Birmingham schemes and of the Ruislip-Northwood scheme. So far as can be foreseen all those matters in which claims for compensation on the one hand, and claims for betterment on the other hand might arise, have been made the subject of agreements.

In order, however, to secure that if in the future such claims should arise they shall be dealt with on proper lines, the Birmingham City Council have inserted the following provision in their scheme (Clause 24) :—

“Claims under Section 58 of the Act of 1909, for compensation or in respect of any increase in value of property shall be made within twelve months from the date of the approval of this scheme by the Board. Provided that in the case of any such claim arising under the provisions of Clause 7 (b) of this scheme, the claim shall be made within twelve months from the date of a requirement of the Corporation under that sub-clause, or, in the event of an appeal against such requirement, within twelve months from the date of the Order of the Petty Sessional Court or Court of Quarter Sessions on any such appeal.”

## THE MAKING OF AGREEMENTS.

It has been stated above that in the case of the Ruislip-Northwood and Birmingham schemes agreements have been entered into with the owners of land, and as a result of these agreements claims for compensation and betterment have "cancelled out." This work of entering into agreements with owners is of vital importance and it should be realised that in these agreements Local Authorities are given an opportunity of first-rate importance of giving definite and permanent form to their negotiations with landowners and land developers.

The power to make these agreements is given under the Fourth Schedule of the Act (Sub-section 13) in the following words :—

" Powers of the responsible authority to make agreements with owners, and of owners to make agreements with one another."

These agreements are not published in the actual schemes for obvious reasons, but the Committees of Local Authorities will find that the preparation of these agreements is a matter of extreme importance, and should be done with great care.

## EXPENDITURE ON ROADS.

Coming next to points (5), (6), (7), and (8), viz., the consideration of the extent to which Local Authorities in the construction of main arterial roads and in widening existing roads, &c., will incur expenditure, it is clear that this expenditure will vary according to the details of the scheme itself.

It would seem that expenditure may be involved in any one or all of the following ways :—

- (a) When wide arterial roads are constructed and when the width is greater than that which owners can be induced to give, or when the cost of road construction is greater than can be fairly apportioned to the sites as and when they pass from agricultural to industrial or residential use.

As stated in an earlier chapter, in the case of the Quinton, Harborne, &c. scheme the owners of land have given up to 100 ft. of land for arterial roads, and will pay up to £3 10s. 0d. per yard frontage towards the cost of road construction. It is probable that in many other cases Local Authorities will be able to persuade land owners to copy this example.

But even then the expenditure incurred will be a great one, and, in the case of some main arterial road schemes close to great cities, to place the cost of these arterial roads on the areas through which the roads run will be inequitable, more especially as some areas will lose in amenity as a result of the cutting of these roads.



In such cases Local Authorities will be justified in placing aside these schemes unless the Central Departments of the Government can guarantee that the cost over and above a fair local proportion shall be provided from a national fund such as that administered by the Road Board, but greatly supplemented.

- (b) When in preparing a scheme Local Authorities provide for road widenings to be made, and where it is not possible to persuade owners of the land bordering the roads to give up the land for the purpose, then the Local Authority will have to buy land and expend money on road widening. In this case, however, the problem is not so much one of the spending or not of money, as of the doing of the work in an economical way. No Local Authority will provide in their scheme for road widenings unless these widenings are essential to the proper development of the district, and it may be assumed that whether a Town Planning scheme be prepared or not these road widenings must be made. If this point is clearly grasped, then it will be realised that the procedure of a Town Planning scheme enables great economies to be made, and for the reason that a Local Authority can by the exercise of wise foresight " earmark " land, which now possesses a relatively small value, for purchase at a later date.

As has been already stated, failing agreement, the price will be fixed under a much more economical procedure than in the case of ordinary street widenings (see schedule in Appendix).

- (c) When buildings blocking the line of a new road have to be removed, heavy claims for compensation may arise, but here again it must be pointed out that Local Authorities will approach their decision as to various road proposals with their eyes open, and not under any kind of pressure compelling them to embark upon expenditure against their will.

If it is found, for example, that a proposed line of road will involve extravagant expenditure on the purchase of buildings, then the Local Authority will abandon the proposal.

- (d) When a Local Authority decides to make a road which is marked on the map before the owners either desire or are willing to make the road, purchases of land must be made and money expended on road works.

Thus cases may arise where the proper development of a district will be arrested because a road which is badly needed is not made—either because the owner is not financially able to make it or because he desires for various reasons to leave it unmade.



It will be seen on reference to the Ruislip-Northwood scheme (Clause 16) that power is given to this Council, after giving notice to the owners, to make such streets and to apportion the cost. Provision is also made that the cost shall not be payable by the owners of land before the land is used for a purpose other than that of agriculture.

This power is one of great value to the community, for by means of it the desire of one owner to block out of use the property of another can be checkmated. The expenditure on this account is, however, in no sense a payment of compensation, and the Local Authority will only incur it when they realise that a distinct public service is to be secured by such action.

In regard to points (9) and (10) explanations given in previous chapters will have made clear the fact that in neither of these cases is compensation payable by the Local Authority.

The action taken by a Local Authority under (11), viz.: by the diversion and stopping up of footpaths is clearly in the interest of owners and will be taken at their request. Local Authorities will find that this power, when it can be used in the public interest as well as in the interest of the owner, will be of great service in bargaining. It is not only that under the existing methods owners have to incur legal expenses in stopping up and diverting footpaths and highways. Action of this kind produces much friction and is troublesome in many ways, quite apart from the question of expense.

The relaxation of building regulations—the point named in (12)—does not in any way involve the payment of compensation, but will be of service to builders in their task of developing new types of cottages.

There may be other grounds on which compensation may be demanded, but so far as the experience of Local Authorities in preparing Town Planning schemes has carried them, these have not yet been made apparent.

Before leaving the subject it will be well to point out the desirability of Local Authorities safeguarding the public purse and meeting the desire of owners to safeguard their own purses by entering into agreements to renounce possible claims for compensation or betterment. With such agreements, which are obviously to the interests of both, neither of the parties to the terms of a scheme will have cause to fear the "springing" upon them of unforeseen claims for either compensation or betterment.

In a Report submitted to the National Conference convened by the National Housing and Town Planning Council in 1909, Mr. H. Lloyd Parry (Town Clerk of Exeter), dealt with the general subject of cost of town planning schemes in a valuable Report, and by kind permission the greater part of his Report is here reproduced, as supplementing the points dealt with above.

It will be seen that in this Report, written before the publication of the Birmingham and Ruislip-Northwood schemes, Mr. Lloyd Parry made an accurate forecast of the lines which were actually adopted.

Mr. Lloyd Parry writes :—

“ Section 55 of the Housing and Town Planning Act provides that the Local Government Board may prescribe a set of general provisions (or separate sets of general provisions adopted for areas of any special character) for carrying out the general objects of Town Planning Schemes, and in particular for dealing with the matters set out in the Fourth Schedule to the Act. The first matter set out in such Schedule is ‘ streets, roads, and other ways, and stopping up or diversion of existing highways.’ ”

“ The Board have not as yet prescribed any such provisions, and pending their issue the doubts that exist as to the extent of the powers of a Local Authority in regard to the construction of roads under a Town Planning Scheme must continue. There is no Act on the Statute Books with provisions so vague and general as those contained in Part II. of the Housing and Town Planning Act, particularly in regard to the extent of the powers intended to be conferred. This Act exhibits also in a more marked degree than any previous legislation the practice that has recently arisen to confer upon a Government Department quasi legislative powers. While this possesses many practical advantages it has the result that one is frequently unable to advise as to the powers of a Local Authority under an Act for the reason that the extent and legality of such powers are dependent upon the will of a Government Department.

“ There is no doubt that the Local Government Board are deferring the issue of a set of general provisions under Section 55 of the Act till they have had experience in the working of Town Planning Schemes. In the meantime they can deal with individual schemes under Sub-Section (2) of the Section which enables them to make special provisions applicable to the area dealt with by the scheme, and in particular to suspend as far as may be necessary for the proper carrying out of the scheme any statutory enactments, bye-laws, regulations or other provisions under whatever authority made which are in operation in the included area. The power of suspension of the provisions of a local Act is absolute. The Board may also suspend the provisions of a Public General Act in respect of any particular scheme, but in such case the scheme must be laid before each House of Parliament and either House may veto it. This enables a Local Authority, therefore, by an inexpensive and expeditious method (subject to the consent of the Local Government Board and Parliament) to repeal as regards a Town Planning area all or any of the provisions relating to streets of such an Act as the Public Health Act of 1875.

“ The lines and the character of the roads in a Town Planning Scheme settle the whole character of the scheme, and the relief of all parties at being able to lay out the roads free from the paralysing hand of the bye-laws as to widths and construction is at once a testimony of the advantages of Town Planning under the Act and of the baneful effects of the rigidity of our ordinary system.

“ There is no doubt that Town Planning Schemes will in the general case provide for main arterial roads of a width greater than the maximum width prescribed by the existing bye-laws, and for the short streets in the quiet residential quarters to be of a width less than the minimum now prescribed. The powers of a Local Authority in regard to the planning of their road systems are practically unlimited, subject to the approval of the Local Government Board and to the payment of compensation where this is due. But compensation is what the Authority wish to avoid, and the first question that presents itself is whether the



Authority are empowered to prescribe a road of a width greater than they can require under their existing bye-laws without the purchase of the extra land required. Section 55 provides that the bye-laws may be suspended for the purposes of the scheme, but suspension involves relaxation not extension, so that this provision does not seem to assist. Section 59 provides that property shall not be deemed to be injuriously affected so as to give claim for compensation if the provisions are such as would have been enforceable had they been contained in bye-laws made by the Local Authority. It appears, therefore, that any width may be assigned to a road without entitling the owner to compensation provided the width is such as would be approved by the Local Government Board if a new bye-law to that effect applicable to the particular area had been submitted by the Authority. The matter is therefore in the discretion of the Board who will decide the maximum width which the Authority can reasonably claim. Any width prescribed in excess of that will require to be purchased by the Authority failing agreement with the landowner.

"The Act contains no express provisions conferring power on a Local Authority, or imposing the duty upon the landowners to construct the roads projected in a Town Planning Scheme. Section 57, which deals with the enforcement of a scheme empowers the responsible Authority to execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the Authority that delay in execution of the work would prejudice the efficient operation of the scheme. The expenses incurred by the Authority in the execution of such work may be recovered from the persons in default, in such manner and subject to such conditions as may be provided in the scheme. This Section does not help, however, as it does not appear to be competent for a scheme to impose upon a person the obligation of constructing a road within any limited time.

"Though the Town Planning Act does not expressly confer power upon an Authority to construct a road, except upon default of a person upon which the duty is cast by a Town Planning Scheme, it would appear, however, that such a power can be inferred from the general scope of the Act even in the absence of any agreement with the owner. The difficulty is as to reimbursement.

"The need for the construction of the road by the Authority will, however, only arise in the case of an arterial road planned through land which the owner has no present intention of developing, but the construction of which road is immediately required for the purposes of through traffic or for the development of outlying land. It would inflict a hardship upon a landowner to have to pay the cost of road construction while the benefit to him is merely potential. On the other hand, he should not by merely delaying the development of his land escape the statutory liability for street works. An Authority who construct a new road would, of course, have a claim for betterment against the adjoining landowners, but that would in the general case be insufficient.

"Such a case as the above might possibly be met by provisions in the scheme whereby an Authority who construct a road could recover the cost or a portion thereof from the owners of the adjoining land either by deferred payments or as the land is being developed. An equitable arrangement as to apportionment of cost would be to throw upon the landowners the cost of construction of such width of the road as would have been required under the ordinary bye-law provisions, leaving the cost of construction of the extra width to fall upon the Local Authority.

"It is necessary to consider the legal position of the parties in regard to this question of road construction in a Town Planning Scheme, not only to meet the case of a recalcitrant owner but to define the give and take in the matter of agreements. Compromise, not



compulsion, is the keynote of the Town Planning Act, and the instances should be very rare in which an Authority finds itself required to put a scheme into operation without having come to a satisfactory agreement with all the landowners in regard to the setting out and construction of roads. The advantage of an agreement is even greater to the landowner than to the Authority and, in practice, there is little doubt that the Local Authorities will in the general case, find the owner more than willing to present all the land required for such width of road as is desired, and come to an agreement as to the cost of construction. He would be blind in his own interests not to welcome and assist an Authority in a scheme which purports to run an important roadway through his land and gain the increased value to the adjoining land which this imports. The gift of the extra land required for a main thoroughfare may often be acquired by offer to reduce the width required for the purely residential streets through land belonging to the same owner.

" In addition, the discretionary powers which an Authority have in relaxing the bye-law requirements in regard to the provision of cross streets at prescribed distances, the mode of construction of carriage and pathway, and in other respects, will enable them to propose arrangements which the landowners would find it foolish not to accept. A further inducement which the Authority may hold out is to undertake to take over the maintenance of a street when laid out under the relaxed requirements. These powers should suffice to secure to an Authority all that they require without any cost to them in regard to the widths of streets, the setting back of the building line, and the character of the fences, of all streets other than perhaps the main arterial roads, and in a well engineered scheme not even in their case.

" The above remarks have reference mainly to the construction of new streets. If the scheme takes in land already built upon it may be necessary to widen the existing streets and in the process to demolish or alter existing buildings. This expenditure will fall upon the Authority as would any ordinary street improvement, but undertaken as part of a Town Planning Scheme has the advantage of enabling the Authority (1) to acquire powers for compulsory purchases under the procedure prescribed by the Act, which is much cheaper and more expeditious than under the Public Health Act, and (2) to obtain a return of part of the cost in virtue of the betterment of the surrounding property.

" It should not be forgotten that an expenditure by a Local Authority in the widening or laying out of a main thoroughfare affords a suitable object for an application for a grant from the Road Development Fund.

#### COMPENSATION AND BETTERMENT.

" That an Authority will be involved in expenditure in the preparation of a scheme is inevitable. It is the price of the machinery. That an Authority will be involved in expenditure in respect of the construction of roads is not a necessary consequence of a Town Planning Scheme. In regard to this branch of our inquiry—compensation and betterment—it may result that the betterment exceeds the compensation and that the Authority will be in pocket. However that may be, the wiser course will be to watch the compensation and let the betterment take care of itself, for the Authority pay the whole of the compensation and gain but half the betterment. Whether compensation will or will not have eventually to be paid, what is essential is to ascertain definitely what liabilities will be incurred while the scheme is yet in draft and there is time to remove them by a modification of the scheme or to make terms for the removal or the limitation of the compensation. While the scheme is in preparation the Authority hold strong cards to play against a claim for compensation,

but when the scheme is completed the game of bargaining is over and the liability is fixed. The modification of or revocation of a completed scheme is likely to be too costly for any Authority to undertake owing to the number of claims for compensation which it would let in.

" It is of the first importance that the Authority should ascertain definitely their liability to compensation. The avoidance of compensation altogether may not be found to be the best policy as the benefits to be obtained may far outweigh the price to be paid. The provisions of the Act relating to compensation are contained in Sections 58 and 59. Compensation is to be paid to persons whose property is injuriously affected by the making of a scheme if they make a claim within the time (if any) limited by the scheme, not being less than three months after the date when notice of approval of the scheme is published.

" No compensation will, however, be paid.

- (1) On account of any building erected on, or contract made, or other thing done with respect to land included in a scheme after the time at which the application for authority to prepare the scheme was made or after such other time as the Local Government Board may fix for the purpose ; provided that this exclusion shall not apply to any work done before the date of approval of a scheme for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made (Section 58 (2)) ;
- (2) In respect of any provisions in a scheme if the provisions are such as would have been enforceable if they had been contained in bye-laws made by the Local Authority (Section 59 (1)) ;
- (3) In respect of any provisions in a scheme which, with a view to securing the amenity of the area included in the scheme or any part thereof :—

(a) prescribe the space about buildings ;

(b) limit the number of buildings to be erected ;

(c) prescribe the height or character of buildings ;

and which the Local Government Board having regard to the nature and character of the land affected consider reasonable for the purpose.

" Where a person is entitled to compensation in respect of the same matter or thing under any enactment, nothing in this Town Planning Act is to enlarge the amount of that compensation and the claimant is put to his choice whether he claims under this Act or under the other enactment. (Section 59 (2) and (3)).

" Compensation is to be paid in respect of property injuriously affected subject to the exceptions specified. The Board in their circular explanatory of the Act state that ' as a general rule the loss or gain in value of the property affected would seem to depend upon a comparison of the full value of the property immediately prior to and irrespective of the making of the scheme with the full value of the property immediately after the making of the scheme, subject to the provisions of Section 59.' One might prophesy a harvest of litigation over the settlement of the circumstances which do or do not entitle to compensation, but for the provision in Section 58 that any question as to whether any property is injuriously affected or increased in value within the meaning of the Section shall be determined by the arbitration of a single arbitrator appointed by the Local Government Board unless the parties agree upon some other method of determination. This will assuage the fear of being subjected to expensive litigation to settle claims for compensation, though it may be observed



that the definition of the word property is still left at large and may require the Authority of the Courts to settle it. One may doubt whether one arbitrator appointed by the Board is in all cases a fit and competent tribunal for the hearing of disputes involving an intricate claim for compensation, and the fact that the Local Government Board is constituted the tribunal will tend to restrict their freedom in advising Authorities engaged in the preparation of a scheme as to the claims for compensation which they will have to meet. It must be conceded, however, that the advantages of providing this ready and cheap method of settling claims must considerably outweigh its disadvantages.

" The claims most difficult to ascertain and to settle will be those arising out of contracts entered into before the application for approval of the scheme has been made. It will be necessary to make full enquiries as to the existence of such contracts and so frame the scheme as not to prejudice or conflict with the carrying out of such contracts or else come to terms for terminating or modifying them.

" The ousting of a claim for compensation arising out of a contract entered into after the application for approval of the scheme has been made would seem to inflict a hardship upon a landowner in its restriction upon his right to develop or otherwise deal with his property between the date of the application and the making of the scheme. This hardship is, however, more apparent than real. The landowner will be or should be in conference with the Local Authority, and can easily ascertain whether his proposals could be made to fall in with the Town Planning Scheme.

" The exclusion of compensation arising out of the limitation of the number of buildings per acre and the other cases mentioned in Section 59 may be regarded as having ensured the success of the Town Planning Act, for without this saving Section the liability to compensation would have been so huge and indefinite as to deter most Authorities from the preparation of a scheme. It should be noted that the powers of an Authority to prescribe without impunity the space about buildings, the number of buildings per acre, or the height or character of buildings is subject to what the Board consider reasonable under all the circumstances. It does not follow that the scheme is limited to what the Board consider reasonable but any injurious affection due to the excess entitles to compensation. In the making of a scheme an Authority may find it wise to purchase land for public pleasure grounds or other public purposes, or by the removal of obstructive buildings or the widening of streets rectify mistakes in areas already partly developed. Such expenditure in the purchase of land and buildings is, however, part of the ordinary administration of an Authority and should be regarded as distinct from compensation for injurious affection. In the general case it should be found not difficult to avoid compensation as such.

" The powers placed in the hands of the Town Planning Authorities, particularly in the matter of fixing the number of houses per acre and in the relaxation of bye-laws, will enable them to bargain for the removal of a claim for compensation without detriment to the scheme. Thus the reservation of an open private space to preserve a view, or provide an air lung, may be reasonably balanced by allowing a closer grouping of houses in the immediate neighbourhood, and the provision of a certain minimum distance between the building lines of a street might be gained by a relaxation of the bye-law requirement as to the width of the public roadway.

" The intent of the Town Planning Act is that the schemes made under its provisions should not only improve the health conditions and the æsthetic surroundings of the people but effect an economy in the expenditure involved in urban development. A scheme that is not designed to effect an ultimate saving of cost over what would be incurred in the normal



development of land under existing conditions may, to that extent, be regarded as failing in its purpose. The powers conferred upon Local Authorities to borrow the expenses incurred by them under the Act enables the incidence of this expenditure to be thrown over the future so that the benefit and the charge may run together. The Act points to an alternative method of distributing the payment of compensation over the future for the Local Government Board may provide in their arbitration for the payment to be by instalments.

" Much that has been said above as to compensation applies to betterment. They are subject to the same provisions as to (1) the time limit within which the claim is to be made, (2) the settlement of the amount by a sole arbitrator of the Local Government Board, (3) the principle upon which the amount is to be settled, and (4) the provision for payment by instalments.

" The Local Government Board have power to make the payment of betterment a charge upon the inheritance of a land and except when the sum is small the landowner will doubtless have the option in the general case of making the debt a charge upon the land extending over a fixed number of years.

" The most obvious claims for betterment will be in respect of lands which are given a frontage of new roads or which girdle open spaces provided under a scheme.

" It does not appear that any scheme is as yet sufficiently matured to enable any safe estimate to be made as to the amount of compensation or of betterment. The assessment of these amounts will doubtless present considerable difficulties to the Board. Increment value duty under the Finance Act (1909-10), 1910, is assessed and becomes payable when the increment value matures. Betterment under the Housing and Town Planning, &c., Act, 1909, represents the increment value attributable to a Town Planning Scheme, and it is difficult to assess such value until it matures. Betterment will be great or small according as the growth of a town proceeds rapidly or is arrested, a circumstance which cannot be foreseen with any degree of certainty. In practice it will probably be found requisite to defer the payment of the amount due for betterment till the benefit matures. Upon this principle the betterment attributable to the frontage of land upon a boulevard road could be made payable when such land is sold or used for building purposes, or when it is brought into rating for other than agricultural purposes.

" This principle seems a practicable and reasonable one, but its application will add to the difficulty, during the making of the scheme, of estimating the amount of the betterment, and until the Local Government Board are able to intimate the lines upon which their arbitrations will proceed the estimates which Local Authorities are required to furnish under this head must be largely speculative.

" The Housing and Town Planning Act contemplates that a scheme should be the joint product of the Local Authority and the landowners interested, and as the benefit contemplated is a mutual one it is mainly on their agreements with the landowners that the authority can and should depend for the efficiency of their scheme and the avoidance of expense.

## SECTION IV.

## CO-OPERATION WITH OWNERS AND THE ADOPTION OF OWNERS' PLANS.

Clause 56 of the Act provides that under the Regulations issued by the Local Government Board, provision shall be made

"for securing co-operation on the part of the Local Authority with the owners and other persons interested in the land proposed to be included in the scheme at every stage of the proceedings, by means of conferences and such other means as may be provided by the Regulations."

It is hoped that the following brief suggestions as to the methods by which the greatest measure of usefulness can be obtained as a result of this co-operation, will be of service to Town Planning Committees :—

- (1) A short Report—giving a summary of the powers of the Act and a clear statement of the standards adopted in schemes passed by other Local Authorities—should be prepared and placed at the service both of the members of the Local Authority and the owners of land.

It is true that in some cases where the owners and others interested are great in number, this will not be practicable, but it can at least be placed at the service of the principal owners.

- (2) Instead of endeavouring to deal with the owners "*en masse*," the Town Planning Committee should endeavour to secure the sympathy and hearty co-operation of those owners who are the most public-spirited. In this way a good example can be set for the greater part of the area, and the task of persuading the rest of the owners to adopt the same standard will not be as difficult as it might otherwise be.
- (3) Where no great principle of public service is involved the Local Authority should leave the landowners and others interested to develop their own ideas as to the methods of distribution of open space. The best kind of Town Planning scheme is that which represents the "greatest common measure" of cordial agreement between good landowners and good land developers on the one hand, and the Local Authority on the other hand.
- (4) Where the land is not likely to develop quickly, the example of the Birmingham City Council in the Quinton, Harborne, &c. scheme should be followed, and after providing for new traffic routes, for the

limitation of the number of houses per acre, and for the adoption of new and more economical types of roads, the detailed development of each estate should be left to the owners and others interested in it, subject to the submission in due course of the plans of the lay-out to the Local Authority.

- (5) The Local Authority should not attempt to apply one standard of limitation of the number of houses throughout the whole area. In those parts of an area which are adjacent to streets developed during the past few years, it will be wise to allow more houses per acre than in the areas which will be developed later.

On reference to the Map of the Quinton, Harborne, &c. scheme, page 309, it will be seen that there are several areas on which owners are to be allowed to build an average of twenty houses per acre. All these areas are close to existing houses, and the Birmingham City Council acted wisely in permitting these special areas to be developed on lines approximating to those in the streets already built up.

- (6) The prevailing note throughout the whole period of negotiation should be that of compromise on details of minor importance, and of wise insistence on matters of vital public interest.

#### THE ADOPTION OF OWNERS' SCHEMES.

In regard to this point it may be said that when a Local Authority adopts an owner's scheme the procedure is almost the same as when Town Planning schemes are prepared by the Local Authority. From the time an owner's scheme is adopted by the Council it becomes the scheme of the Council, and as such must pass through all the stages.

It is possible that at a later date there may be some modifications in procedure in this respect, but for the present the Local Government Board take the view that owners' schemes should pass through the same procedure, and, quite apart from the question as to whether the Act as drafted would permit any other course to be taken, there is a great deal to be said in favour of the point of view taken by the Local Government Board, if only because every scheme must exercise a profound effect on the neighbouring land.



## SECTION V.

## THE PREPARATION OF THE MAPS OF THE SCHEME.

In all a series of five maps must be prepared by a Local Authority in order to fulfil the requirements of the amended Procedure Regulations issued by the Local Government Board in the early part of 1914.

## MAPS Nos. 1 and 2.

Of these maps, No. 1 and No. 2 must be prepared in the first stage—*i.e.*, in the stage of preparation of the *prima facie* case for permission to prepare a scheme.

The scale of these maps, their contents and the various items of information which should accompany them, are all described in close detail in Section I. of this Chapter (pages 215, and 228 to 231).

The general characteristics of Map No. 1 can be seen from the accompanying reproductions of No. 1 Maps prepared in connection with the Quinton, Harborne, &c. scheme of the Birmingham City Council and the scheme of the Ruislip-Northwood Urban District Council.

The alterations and additions which must be made to this Map in building up Map No. 2 are so clearly set forth on page 231 that there is no need to give here an illustration of a typical Map No 2.

## MAP No. 3.

This map is in effect the map of the Draft Scheme, and when amended by the Local Government Board and modified as a result of negotiation in the final stages, will become the actual map of the scheme. It calls, therefore, for great care in preparation.

The wording of Article X. of the Regulations defining the particulars and details of the map is so clear that no further elucidation is necessary.

The Article states :—

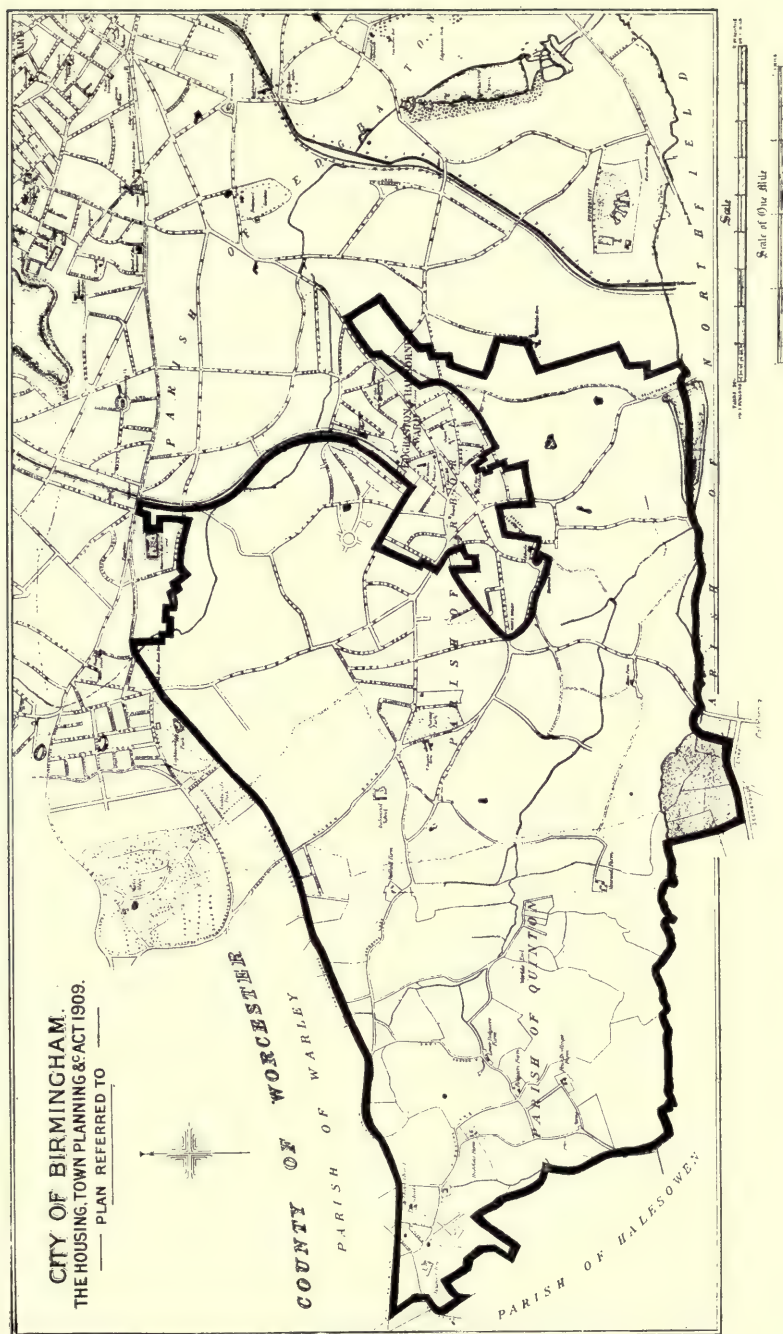
“ When the Local Authority have fully considered and developed their proposals they shall cause to be printed a draft scheme embodying these proposals, and shall cause a map or, if the case so require, maps (to be marked and known as ‘ Map No. 3 ’ or ‘ Map No. 3 (A), ’ ‘ Map No. 3 (B), ’ &c.) to be prepared on a scale of not less than 25,344 inches to the mile, showing clearly by means of boundary lines defined in colour the area of the land included in the proposed scheme distinguishing between the parts of the land included within the



Map No. 1—Ruislip-Northwood Town Planning Scheme.







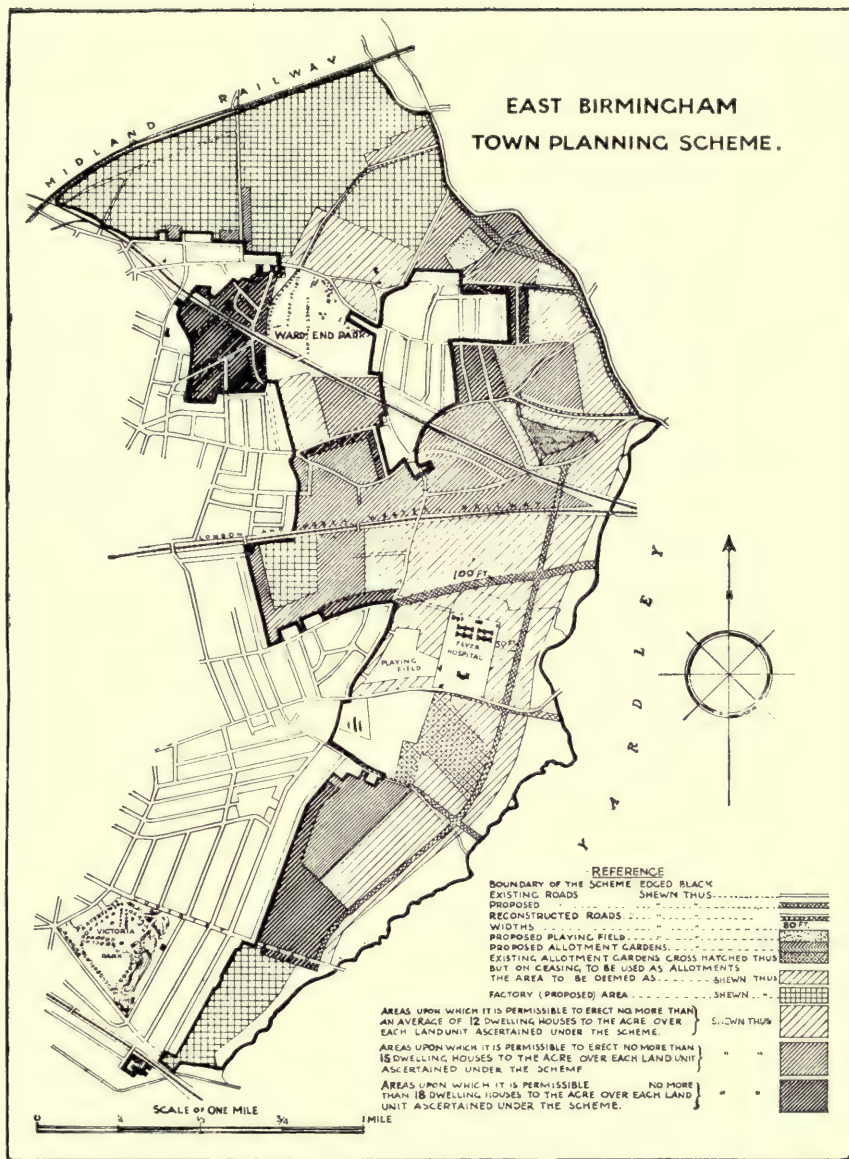
Map No. 1.—Quinton, Harborne, and Edgbaston Town Planning Scheme.











**Map of the East Birmingham Town Planning Scheme.**

(This illustration is taken from Councillor George Cadbury, junr.'s Book on Town Planning by kind permission of the author and the publishers, Messrs. Longmans, Green & Co.).





area of the Local Authority and within the area of any other Local Authority, and also showing thereon all such particulars and details in relation to the proposed scheme as can conveniently be indicated thereon by the aid of reference letters or numbers, descriptive notes, distinguishing colours, or otherwise; and especially there shall be indicated and distinguished on the said map or maps:—

- Existing main roads;
- Roads repairable by the inhabitants at large;
- Roads or footways over which the public have a right of way;
- Roads on which tramways or light railways (a) have been constructed or (b) are authorised to be constructed;
- Roads which the Local Authority propose shall be made as part of the scheme, indicating the widths thereof and any proposals as to the parts thereof to be appropriated or set apart for special purposes, and the connections of such roads with existing roads;
- Roads or ways which it is proposed to stop up or divert;
- Land already built upon;
- Land not likely to be used for building purposes;
- Land proposed to be allocated for use as open spaces (a) private or (b) public;
- Land to be used for any other purposes, including, *e.g.*, buildings for manufacturing purposes or buildings of a special character in reference either to the purposes to which they are to be applied or to their height or otherwise, indicating any restrictions proposed as to the number of buildings which may be erected on any portion of land or each acre in any portion of land;
- Land to be acquired by the Local Authority for any purpose.

Small reproductions of the two Birmingham maps are, by kind permission, given here. The cost of reproduction of the map of the Ruislip-Northwood scheme is so heavy that it is not possible to include it here. Copies can, however, be obtained on application to the Surveyor of the Ruislip-Northwood Urban District Council—Mr. W. L. Carr—at a cost of 5s.

## MAP No. 4.

This map is in effect Map No. 3, but sealed with the seal of the Local Authority.

It will be seen that under Articles XIII. and XXVI. of the Regulations, Map No. 3 may be used for the purposes of No. 4.

## MAP No. 5.

Map No. 5 is an Owners' Map, and is thus described in Article XV.:—

"A map on a scale of not less than 25.344 inches to the mile, or a plan drawn to some larger scale (to be marked and known as 'Map No. 5') showing the area of the land included in the scheme so divided as to indicate as nearly as may be the portions of such land belonging to different owners. The map or plan shall show as regards each portion of the land the name of the owner or shall bear numbers having reference to a statement, to be annexed to the map or plan showing the names of the owners."

This explanation is so clear that no difficulty will be found in acting in accordance with it.

## SECTION VI.

## THE FINAL STAGES OF A TOWN PLANNING SCHEME.

When the detailed work of negotiation and preparation described in the previous sections has been completed, it will be necessary to give definite form to the decisions arrived at

- (a) in a series of Clauses embodying these decisions ;
- (b) in a series of maps (*vide* Section V.) ;
- (c) in agreements made with various parties interested in the scheme.

## THE DRAFTING OF THE CLAUSES OF THE SCHEME.

In the Appendix to this book the text of three schemes is given, viz. : the Quinton, Harborne, &c. scheme and the East Birmingham scheme of the Birmingham City Council, and the Ruislip-Northwood scheme. Those who desire to study the Birmingham schemes more closely are recommended to refer to Councillor George Cadbury's admirable book on Town Planning (Longmans Ltd. 7s. 6d.).

The Ruislip-Northwood scheme has been annotated and dealt with in close detail in the Appendix by the Chairman and Clerk of the Council, and their explanations are of first-rate importance, since they are founded on direct experience gained in the framing of the Clauses.

## AGREEMENTS WITH VARIOUS PARTIES INTERESTED IN THE SCHEME.

The character of the agreements to be made under a scheme depend so completely on the scheme itself that it is not possible to give any kind of general advice on this subject.

## THE SERVING OF NOTICES ON PRESCRIBED PERSONS.

When the detailed work described above has been completed the Local Authority must, before submitting the Draft Scheme to the Local Government Board, serve notices on the prescribed persons, as defined in Article XXVII. of the Regulations, and hold a meeting with them in accordance with Articles XI. and XII.

Article XI. provides that the Local Authority shall :—

“(a) At least one month before deciding upon the scheme to be submitted to the Board for approval, serve upon the prescribed persons a notice that a draft scheme has been prepared by the Local Authority and that it is proposed to submit the same, with any modifications that may be found desirable, to the Board for approval ; and shall also give notice of such proposal by advertisement in some newspaper or newspapers circulating in the area of the Local Authority, and the advertisement shall be published at least one month before deciding upon the scheme to be submitted to the Board.”

“(b) Not later than the date on which the first of the said notices is given, deposit at a place convenient for the purposes of inspection and shall keep deposited thereat, for a period not being less than twenty-one days from the date on which the latest of the said notices is given, the draft scheme and the map or maps referred to in Article X., and the same shall be open for inspection by any persons interested or affected, without payment of any fee, at all reasonable hours on any week-day during the said period. The Local Authority shall also make suitable provision for affording to any such person inspecting the said draft scheme and map or maps any necessary explanation or information in regard thereto.”

The character of these Notices is thus defined :—

“(c) The said notices shall define the land included in the proposed scheme, and shall state the place at which the draft scheme and map or maps referred to in paragraph (b) of this Article are deposited and the period and times during which the same will be open for inspection by any person interested or affected. The notices shall state that the local Authority will be prepared to consider any objections or representations which may be made to them in writing during the said period, and the notice to be given by advertisement shall also state that the Local Authority will be prepared to consider any objections or representations made in writing by any persons affected, including any persons representing any architectural or archaeological society or otherwise interested in the amenity of the proposed scheme. The notices to the prescribed persons may also extend to the matters of which notice is to be given under Article XII.”

#### MEETING OF PRESCRIBED PERSONS TO CONSIDER THE DRAFT SCHEME, CONSIDERATION OF OBJECTIONS OR REPRESENTATIONS.

Before the Draft Scheme is submitted to the Board the Local Authority must consider any objections or representations made to them in writing in regard to the Draft Scheme, and a meeting must also be held to consider the Draft Scheme.

The procedure in this, the final stage, in regard to both these points (*vide* Article XII.) must be similar to that prescribed under Article III. for the consideration of objections and representations and the holding of a meeting just as in the first stage of preparation of the *prima facie* case.

There is, however, one point of difference, viz. : that whereas in the earlier stages the Local Authority may under Article III. (b) offer to confer with individuals and avoid a general meeting, in this, the final stage of consideration of the Draft Scheme, the formal meeting must be held.



A copy of the Notice calling the meeting will be found in the Appendix (Chapter on Procedure Regulations and Forms and Notices).

The following is a Report of a meeting held at this stage to consider the Draft Scheme, and is reprinted by kind permission from the *Birmingham Daily Post*, of Friday, April 19th, 1912:—

An interesting discussion of the Birmingham City Council's Town Planning proposals from the owners' point of view took place in the Council Chamber yesterday morning. The Draft Scheme for town planning of the undeveloped Harborne and Quinton area has been completed, and it was now submitted to the property owners interested that their views might be obtained before the Local Government Board enquiry into it. Most of those present had furnished themselves with a copy of the plan published, together with a detailed description of the scheme, in yesterday's *Daily Post*.

THE LORD MAYOR (Alderman W. H. Bowater) presided over a large attendance, his supporters including Councillor Neville Chamberlain, the Chairman of the Council's Town Planning Committee, and Councillor George Cadbury, jun., who presides over the Subcommittee which has developed the Quinton and Harborne Scheme.

#### EXPLANATIONS OF THE SCHEME.

THE LORD MAYOR explained that the delay in the submission of the scheme to the property owners was due to the fact that last November a new Committee was appointed, and they therefore had to go into the matter almost *de novo*. It was the first scheme prepared in this country, and the Committee had therefore to make a new road across practically an unknown country. They had found it a very difficult task. Any suggestions that owners made would be very carefully considered by the Committee. The scheme would afterwards be submitted to the City Council, and if approved by them would be forwarded to the Local Government Board, who would hold a public enquiry. Anybody interested who felt himself aggrieved under the provisions would have the right to appear before that tribunal and urge his objections.

COUNCILLOR NEVILLE CHAMBERLAIN briefly sketched the salient features of the scheme. The Committee, he said, had endeavoured to do as little as possible in the planning of roads, practically confining themselves to laying out the lines of the main arterial roads required for the proper development of the area. The occupation roads they were leaving to the owners. So long as they were in accordance with the general lines laid down in the scheme the Committee would not interfere. As to the main arterial roads which were to have tramlines down them, there were many ways in which their area might be divided up, all of them with their own disadvantages. He believed they had chosen the one in which the disadvantages were reduced to the minimum. It left the macadamised road quite free for the ordinary traffic of the district—an enormous convenience for vehicles: and, he thought, it also gave a much better appearance to the thoroughfare.

#### TRAMWAY CONSTRUCTION.

By putting the tramways on one side of the road and planting two rows of trees thereon it was possible to mask the poles carrying the overhead equipment and at the same time to reduce the noise resulting from the traffic. One other extremely important point. By constructing the tramway along a special track they would be able to lay the rails upon sleepers, thus reducing the cost of construction by about £3,000 per mile. As to the streets to be constructed by the owners, the Committee had endeavoured to make it clear that the

Corporation having settled the width, the details were to be left to the owners. The Committee, however, thought that where a road was required of extra width, not for the purposes of the landowners, but for the purposes of the community, the community should pay. Hence it was laid down in the scheme that where macadam of extra width was required for through traffic the Corporation should bear the extra expense. Another clause in the scheme would prevent the owners of one portion of the land from developing their property so as injuriously to affect the development of the adjoining property. The building arrangements Councillor Chamberlain described as the crux of the scheme. The Committee's decision arrived at after much deliberation, had been criticised from two points of view. They were told they had allowed too few and also too many houses to the acre. He supposed everybody in their position would desire to be criticised from both sides, because such criticism was some sort of evidence that they had achieved the happy mean. He was not dogmatic about it, feeling that only the future could show definitely what was to be the result of the restrictions they had suggested in the draft. The average number was twelve with a maximum of twenty houses on any one acre. A point of considerable difficulty they had to consider was how that average of twelve houses was to be calculated. It was obviously no use to calculate the average over the whole area. Because the houses at one end of the district were very much scattered was no reason for making them crowded at the other. They therefore made the owner's holding of land affected by his building proposals the unit for the calculation of the average. It occurred to them that an owner might develop a small portion of his estate and ask to put more than twelve houses to the acre on the ground that there would be less on the rest of his land. He might then sell the remaining land to another owner, who would then claim to begin again. To prevent that the Committee drafted a clause which enabled them to say how many houses might go on any area of land, a decision binding not only on the present owner, but also upon his successors.

#### EXCEPTED AREAS.

Certain small areas were reserved from the general provisions, and in these a limit of twenty houses to the acre would be allowed. The exception was made because the Corporation did not come on to the ground until these areas had been practically developed. Various spaces were also reserved for parks and open spaces. The whole area coming under the town plan was reserved definitely as a residential area, and not only no offensive trade but no manufacture could be carried on in the district except with the special consent of the Corporation. They put in the qualifying clause because they felt they could not tell what developments might take place in the future in the method of carrying on business. In process of time it might be considered an advantage to have the works near the dwelling place rather than a disadvantage. Whilst they reserved that area on the south-west—the windward—side of Birmingham for residential purposes, they would, of course, as a Town Planning Committee, have to find some other areas in which factories might be developed. That would be on the other side, where any smoke they might make would be carried away from the City. It was a pleasure to him, Mr. Chamberlain added, in conclusion, to testify to the willing and ready co-operation they had received from the owners. Their criticisms had been exceedingly helpful to the Committee.

MR. MONTGOMERY HOOPER, appearing for Harborne Tenants (Limited), asked the Committee to amend the scheme so as to give the estate the advantages of policing, lighting, &c., which came from the public taking over the roads. He also asked that the roads of Harborne Tenants, now 16 ft. wide, should be exempted from the stipulation the scheme made for 18 ft. roads. If Harborne Tenants had to widen the roads by 2 ft. it would mean an extra 2d. per week on the rents of the workmen's houses on that estate.



MR. D. E. BLACKHURST, one of the landowners, objected to the maximum of twelve houses to the acre being applied to his property. He bought his holding not as agricultural land but as building land, and it was amongst the plots most favourably situated for early development, and was quite unsuitable for such a restriction as the Committee proposed to impose. It would be transformed into a buffer or neutral land between the differentiated areas, and the other land to which the twelve houses maximum was to apply. He would get no income from it, nor would he be able to sell it. He asked that the land should be scheduled as coming under the twenty houses per acre maximum.

#### GOLFER'S OBJECTIONS.

MR. THOMPSON raised objections to details of the scheme on behalf of the Edgbaston Golf Club. The proposals would most seriously affect the Club. They had a lease for nineteen years on the course, but some of the roads planned would cut across their land and practically destroy the course.

MR. S. THORNLEY, Clerk to the Worcestershire County Council, enquired if in planning the roads for the Quinton area regard had been had to the town planning scheme in the Oldbury district.

MR. W. ARUNDEL, representing the directors of Bourne College, heartily commended the scheme, but enquired whether the Committee proposed to make any conditions as to the erection of licensed houses in the planned area.

Replying to MR. DUGMORE, the LORD MAYOR said the Corporation would not interfere with the existing businesses in the district.

MR. BROWN, owner of a house in Court Oak Road, asked the Committee not to widen that thoroughfare at the expense of his forecourt. The Lord Mayor assured him that if his property was taken he would be compensated by the Corporation. Most people, added Alderman Bowater, were very glad when the Corporation came along and took property from them—at a price.

MR. BROWN: I don't want to be disturbed. I want to stop in my home as long as I live.

MR. BENNETT, who appeared for the owners of the Harborne Home Farm, further pleaded the cause of the golfers. Under the scheme 700 yards of main road would be cut through their course. If the road was to be constructed the rights of way existing over their land should be surrendered. Mr. Bennett also objected to the site the Committee had chosen as a park. It was inaccessible except by way of one of the rights of way over their land.

THE LORD MAYOR remarked that Mr. Bennett had just proposed to make it still less accessible by closing the right of way—a park to which there was no access.

MR. BENNETT and MR. CARSLAKE (for the Golf Club) urged that the period during which interested parties could claim compensation for injury should be extended from the twelve months' limit fixed by the Committee to such time as the scheme was actually carried into effect.

MR. BROWN rose again to impress upon the Corporation the heavy cost they would incur if they attempted to widen Court Oak Road.

THE LORD MAYOR: You must not ask so much for your land: that will keep the cost down somewhat.

ALDERMAN J. H. BLADES urged the Committee to facilitate the consummation of the scheme as far as possible, since its pending was holding back building operations in the district to the prejudice of the community.



## COUNCILLOR G. CADBURY'S REPLY.

Replying to the discussion on behalf of the Committee, COUNCILLOR GEORGE CADBURY, JUN., said they had not in mind the present roads in Harborne Tenants when they decided on the 18 feet minimum, and he was extremely sorry if anything they had done was detrimental to the interests of the Company. They did not think 16 feet a reasonable width to adopt as a standard. The Committee would take the matter into careful consideration, but he did not know whether they had the power to make an exception. As to Mr. Blackhurst's objection, Councillor Cadbury said that, though the Committee had imposed the twelve houses to the acre standard, they had relaxed the bye-laws as to the width of the roads to be constructed. That would bring considerable financial relief to the owners. The Committee considered that the concession they were making justified them in asking for the restriction of the number of houses to be built. Replying to those whose regard was for the preservation of the golf course, Mr. Cadbury said possibly they might be able to modify the scheme in regard to the road. It was not designed to interfere with Green No. 12. Those who wanted the period for compensation extended were reminded that the same provision applied to betterment. If compensation was recoverable at the end of a term of years, the Corporation might also have a very considerable claim for betterment—which they would be quite willing to discuss. There was no provision in the scheme as to the erection of licensed houses. The Court Oak Road widening was, Councillor Cadbury assured Mr. Brown, at a very important point. In the absence of any definite information it was difficult for the Committee to take into account the Oldbury Town Planning Scheme, in making their disposition—this in answer to Mr. Thornley.

The Conference then closed.

## APPLICATION FOR THE APPROVAL OF THE LOCAL GOVERNMENT BOARD TO THE DRAFT SCHEME, ADVERTISEMENTS IN THE PRESS AND DEPOSIT OF DRAFT SCHEME.

The procedure in this stage is so clearly outlined in the Articles of the Regulations dealing with the subject (XIII., XIV., XV., XVI., and XVII.) that there is no need to deal with them here in detail.

The following extracts from the Report of the Birmingham Town Planning Committee to the City Council concerning the Quinton, Harborne, &c. scheme will, however, be of service.

## REPORT OF TOWN PLANNING COMMITTEE SUBMITTING DRAFT SCHEME TO THE CITY COUNCIL.

(SPECIAL NOTE.—In November, 1911, the City Council appointed a Special Committee to deal with the work of preparing Town Planning Schemes. Prior to this time the work had been in the hands of the General Purposes Committee.)

## TOWN PLANNING SCHEMES.

The Council will probably be aware that when your Committee were appointed two Town Planning Schemes were in course of preparation. One of these was in respect of an area of 2,320 acres, comprising the Parish of Quinton and parts of the Parishes of Harborne, Edgbaston, and Northfield, the other having an area of about 1,443 acres, and comprising parts of Saltley, Washwood Heath, Alum Rock, Little Bromwich, and Small Heath, being wholly situated in the Parish of Aston.

Your Committee appointed separate Sub-Committees to deal with each of these areas, and every effort has been made to proceed as quickly as possible, but the whole subject is so novel, and so many important interests have to be considered, that progress has naturally been comparatively slow.

#### QUINTON, HARBORNE, AND EDGBASTON SCHEME.

This was the more advanced of the two Schemes just referred to, the objections received to the Council's proposals having been considered and dealt with in accordance with the regulations, and negotiations entered into with the landowners and others interested in the area prior to the appointment of your Committee. These negotiations were continued, and your Committee are glad to report that they have found the principal landowners quite ready to co-operate with the Corporation in giving facilities for the proposed new roads, satisfactory agreements having been arranged with owners representing the major portion of the area traversed.

The statutory meeting of landowners and persons interested has been held, and was numerously attended. The Lord Mayor presided, and the Scheme was thoroughly explained by representatives of your Committee. Various suggestions and objections were made either at the meeting or subsequently by letter. These have been carefully considered, and in many instances your Committee have been able to amend their proposals to remove the difficulties anticipated.

Further, in the preparation of the Scheme your Committee have conferred with the advisers of the Local Government Board, from whom they have received much assistance.

The Scheme as it now stands has been provisionally approved, as to form, by the Local Government Board, and is submitted to the Council with this Report. As it is practically self-explanatory, it is not proposed to report at length upon its various provisions.

Your Committee recommend that the Scheme as submitted be approved, that the Council should issue an Order under their seal formally making the Scheme, and that application be made to the Local Government Board for their approval thereto.

It will perhaps be of interest to the Council if the requirements of the Town Planning Procedure Regulations from this point are briefly set out.

The Council's application to the Local Government Board for their approval to the Scheme must be accompanied by detailed information, maps and estimates of cost. The Council then advertise the fact that they have submitted their Scheme to the Board, that a copy of the Scheme may be inspected at the Council House, and that objections to the Corporation's proposals, as shown by the Scheme, may be made to the Board within one month. In the event of the Local Government Board making any modifications in the Scheme, the Council publish a notice that the draft Order of the Board may be inspected locally, and that objections may be made within one month. When the Board have decided to approve the Scheme, the Council must arrange for the draft order to be open for inspection, publish notice to that effect, and intimate that objections may be made to the Board. The receipt of the final Order confirming the Council's Scheme must also be advertised, and a copy thereof served on all persons affected.

#### ESTIMATE OF COST TO THE CORPORATION.

From the estimate of expenditure accompanying the Draft Scheme it will be seen that the total estimate of £109,840 has been divided into two amounts of £9,725 and £100,115, representing the cost respectively of (a) the preparation of the Scheme and the works which will be placed in hand forthwith, and (b) works which will be carried out at some future



time. The latter sum of £100,115 will only be spent as the Corporation may in their discretion decide from time to time to undertake the various works projected, as it is evident that future progress must be governed by the rate of development of the planned area.

The following is a copy of the advertisement inserted in the local newspapers by the Birmingham City Council in accordance with Article XVII. of the Regulations :—

HOUSING, TOWN PLANNING, ETC., ACT, 1909.

CITY OF BIRMINGHAM.

QUINTON, HARBORNE AND EDGBASTON TOWN PLANNING SCHEME.

I HEREBY GIVE NOTICE that the Lord Mayor, Aldermen and Citizens of the City of Birmingham have submitted the above Scheme to the Local Government Board for their approval. A copy of the Scheme so submitted may be inspected by persons affected, including persons representing architectural or archaeological societies or otherwise interested in the amenity of the Scheme at my Office without payment of any fee during the period from 10 a.m. on Friday, the 14th instant, up to 5 p.m. on Monday, the 15th proximo, on any Saturday between 10 a.m. and 1 p.m., and on any other weekday between 10 a.m. and 5 p.m. Any objections and representations by any such persons should be made in writing, and addressed to the Local Government Board at their Office, Whitehall, London, S.W., within the said period.

Dated this 13th day of June, 1912.

E. V. HILEY,  
*Town Clerk.*

COUNCIL HOUSE,  
BIRMINGHAM.

LOCAL GOVERNMENT BOARD ENQUIRY IN REGARD TO DRAFT  
SCHEME—NOTICE OF MEETING AND REPORT OF MEETING.

The Local Government Board then in due course will hold an enquiry in regard to the Draft Scheme. The following is a copy of the Notice and a Report of the meeting held in connection with the Quinton, Harborne, &c. scheme :—

HOUSING, TOWN PLANNING, ETC., ACT, 1909.

CITY OF BIRMINGHAM.

WHEREAS the Lord Mayor, Aldermen and Citizens of the City of Birmingham have applied to the Local Government Board under Part II. of the Housing, Town Planning, &c., Act, 1909, for their approval of a Town Planning Scheme with reference to certain lands situate within the said City, and entitled " The Quinton, Harborne and Edgbaston Town Planning Scheme " :

AND WHEREAS the Local Government Board have directed a local inquiry to be held into the subject-matter of such application :



NOTICE IS HEREBY GIVEN that Major C. E. Norton, R.E., and Thomas Adams, Esquire, who have been appointed to hold the inquiry, will attend for that purpose at the Council House, Birmingham, on Thursday, the 25th day of July, 1912, at Ten o'clock in the forenoon, and will then and there be prepared to receive the evidence of any persons interested in the matter of the said inquiry.

H. C. MONRO,  
*Secretary*

LOCAL GOVERNMENT BOARD,  
3rd October, 1912.

REPORT OF LOCAL GOVERNMENT BOARD ENQUIRY ON THE QUINTON AND  
HARBORNE SCHEME.

(Reprinted by kind permission from *The Birmingham Daily Post*, July 26th and 27th, 1912.)

ENQUIRY AT THE COUNCIL HOUSE.—FIRST DAY.

An important and interesting enquiry was held at the Birmingham Council House, yesterday, by Major Norton, R.E., and Mr. Thomas Adams. It had reference to the application to the Local Government Board, under Part II. of the Housing, Town Planning, &c., Act, for their approval to a Town Planning Scheme with reference to certain lands situated within the City, and entitled "The Quinton, Harborne and Edgbaston Town Planning Scheme."

There were present the Lord Mayor (Alderman Bowater), Mr. E. V. Hiley (Town Clerk), Mr. H. E. Stilgoe (City Surveyor), Dr. J. Robertson (Medical Officer of Health), Mr. T. H. Clare (City Treasurer), Mr. B. S. Miller (Assistant Solicitor), Mr. W. S. Body (Clerk, Town Planning Committee), Mr. Neville Chamberlain (Chairman, Town Planning Committee), Alderman Clayton (Chairman, Finance Committee), Councillor G. Cadbury, jun. (Chairman, Quinton, &c., Sub-Committee), Councillors Marks, Leeson, Talbot, and Duggan.

Mr. E. W. Cave represented the Edgbaston Golf Club, Mr. Joy the Harborne Home Farm, Mr. J. S. Nettlefold, and others. Mr. Hobday appeared for Mr. W. H. Jones; Mr. W. H. Bennett for Harborne Home Farm and the Harborne Golf Club; Mr. E. C. Fowke for Mr. T. G. W. Birch; Mr. E. H. Balden for the Calthorpe Estate; Mr. W. H. Tarbet for Mr. E. F. Studd; Mr. E. Lakin Smith for Mr. J. S. Nettlefold; Mr. T. B. Hooper for Harborne Tenants; Mr. H. Hendriks for several owners; and Mr. J. James for Sir Henry Wiggin.

TOWN CLERK'S STATEMENT.

In opening, the TOWN CLERK (Mr. E. V. Hiley), said sanction by the Local Government Board for the preparation of a scheme was given in February, 1911. The area included in the scheme was 2,320 acres, and comprised the whole of the old Parish of Quinton, a large portion of the old Parish of Harborne, and a small piece of Edgbaston. Those parochial distinctions had now disappeared, and the whole was now within the Parish of Birmingham. As to sewerage, the arterial roads which had been planned by the Corporation were in such positions that they could be drained to any system of sewerage which might subsequently be devised. The water supply of Harborne and Edgbaston was within the area of the Birmingham Corporation, and the Parish of Quinton was at present within the area of supply of the Staffordshire Waterworks Company; but negotiations were proceeding for the transfer of Quinton into the Birmingham area. Satisfactory terms had been agreed upon between the Water Committee and the Company, and they awaited the sanction of the City Council, which would be asked for on Tuesday next. As regarded gas, the whole of the area was within the limits of the Corporation, and as to electricity the Corporation

had power under the Quinton Extension Order of 1909. With regard to the scheme itself, he was glad to say there were no objections; but there were a number of objections to particular points—with regard to roads, to buildings, and to the acquisition of land. There were twenty-three roads described in the scheme, and objections by four persons were made to five of them. With regard to an objection by the Edgbaston Golf Club, he was afraid the Corporation were unable to give an undertaking of the character asked for. The roads would only be constructed when they became absolutely necessary; and it would certainly be fatal to the development of Quinton on town-planning lines if the golf club were to veto the construction of a road through their course. The Corporation were prepared to construct the roads of macadam, without kerbs; therefore there would be very little injury done to the links, and the Club would have to put up with the inconvenience. Concluding, Mr. Hiley referred to a petition sent in by the inhabitants of Harborne to the number of 4,000, in favour of Mr. Nettlefold's proposal, and the construction of tramways to Harborne. The petition appeared to have been extensively signed, for it contained more signatures than there were names on the parochial register for the whole Harborne Ward. No doubt when the supporters of the petition came forward they would tell how it was got together.

#### THE SCHEME DESCRIBED.

MR. NEVILLE CHAMBERLAIN was the first witness. Describing the main features of the scheme, he said the area lay between two considerable areas of population. On the north there was the district of Smethwick and Oldbury, and on the south Selly Oak and Northfield. It was, therefore, desirable that the scheme should provide some communication between those centres of population. The nearest centre of population to the scheme was Harborne, which was just outside on the eastern side. In planning the roads regard had been given to this. The effect of the natural lie of the land was rather to cut off the area at its south-eastern corner from the parts lying nearer to the City. In order to get over that they had had to provide a road carried on an embankment. There were two main arterial roads starting from the north-east and the south-east corner, and meeting near the western boundary. The first one began near Hagley Road Station, and went along the embankment until it came to the junction of the Lordswood Road, where it was widened from 60 ft. to 100 ft., and then proceeded right out to the extreme western end of the area. The other road began opposite the Golden Cross Inn, Selly Park Road, and ran along the ridge until it joined the first road. By means of the Lordswood Road they made communication with a ring road, connecting some of the outlying areas of the City. As regarded the number of houses allowed per acre, there were three islands in the scheme on which were a larger number of houses per acre than was allowed on the remainder. The reason for accepting these islands was that they had already been built up or so affected by adjoining conditions that they could not be developed otherwise without inflicting considerable hardship on the owner. With these exceptions, it was decided that an average of twelve houses to the acre were that all could be allowed. The scheme provided for four open spaces, which were decided upon after consultation with the Parks Committee. Factories were excluded because the area lay on the south-west of Birmingham, and that was the quarter from which the prevailing wind came. It was the part which should be kept free from smoke. The scheme, however, made it possible for this exclusion to be varied by written consent of the Corporation.

Answering the Town Clerk, MR. CHAMBERLAIN remarked he thought Mr. Nettlefold's proposed road was founded on a misunderstanding. Mr. Nettlefold appeared to object to certain roads because he thought he had a better one to the City. These were the new roads from Hagley Road to Woodbourne Road, and from Woodbourne Road to Lordswood



Road. Apparently he was unaware there was a demand for these roads in order to provide communication with property on the other side of Hagley Road. The Sub-Committee held firmly to the road they proposed, and the City Council had decided in its favour by an overwhelming majority.

In reply to Mr. Joy witness said no estimate had been formed of the probable result as to population when the area was an accomplished fact.

#### CITY SURVEYOR'S EVIDENCE.

After the luncheon interval, the City Surveyor, Mr. H. E. STILGOE, gave evidence, describing the scheme in detail. He mentioned that the cost of constructing the road from Lordswood Road to Woodbourne Road would be £17,448, exclusive of owners' contributions. As to the alternative road which had been suggested he did not regard it as necessary to the scheme. On the other hand, there was nothing in the scheme to prevent the road being made by an owner if he so wished. Referring to the objection by the Edgbaston Golf Club, he said if the Club would leave them to do the best they could in the construction of the road, they would do all they could to avoid any difficulty. In every case the roads would be laid out so as to be readily connected with any sewerage system.

Answering Mr. Cave, witness said the total estimate for the construction of the roads, including the cost of compensation, was just over £100,000. He was perfectly certain the scheme could be carried out for the amount estimated. The amount of compensation payable to the Edgbaston Golf Club had been taken into consideration in preparing the estimate. To drive a road of the width proposed through a golf course would certainly affect the course, and he thought compensation would be fair.

MR. CAVE: It is obviously fair: but is that the view of the Corporation?

WITNESS: I am sure the wish of the Corporation is to be fair.

There is no mental reservation as to whether a golf course is entitled to compensation or not?—No; but it is a rather delicate matter to enter upon at an assembly like this.

Is it? I should have thought it could have been dealt with straightforwardly. By Mr. Tarbet. He had put down what he considered would be a fair price for the purchase of the land proposed to be taken from Mr. Studd's farm.

MR. TARBET: Do you consider that a claim can possibly be made within the next twelve months in respect of a matter which may not arise for fifteen, eighteen, or twenty years? I cannot tell you.

MR. STILGOE added that he could not find any other piece of ground in such a suitable position, so level, and so suitable for the purpose—that of playing fields.

MR. HILEY: As to the rateable value of this new road leading up to Woodbourne Road, it has been suggested you could not bring in more than 38 per cent. of the adjoining property into the rateable value. Ought not the rateable value of the whole line of communication to be considered?—Yes; I think it should be so.

#### "THE PRIDE OF THE CITY."

COUNCILLOR MARKS, a member of the Town Planning Committee, said he represented Rotton Park Ward, which lay to the North of Hagley Road. He was satisfied that the two principal roads were absolutely necessary. From his knowledge of the district, he urged upon his colleagues that they were urgently needed.

MR. HILEY: Do you consider Mr. Nettlefold's modification desirable?—No, I do not; even if that road were made, the one known as the North Bend would be needed. If Mr. Nettlefold's road were shorter than the one proposed he should oppose it, and the City Council would not have it.



MR. JOY : What reasons ?—Witness answered that one of the reasons was the road did not lead on to a trunk road. The road proposed in the scheme led straight on to Hagley Road—the pride of the City—and it coupled up with a very important district at the back of the Hagley Road.

FREDERICK EDWARD MOORE (Assistant Secretary to the Birmingham University), said he resided on the Harborne Tenants Estate. He regarded the road set out in the scheme as a most important link between Harborne and a densely-populated portion of the Hagley Road.

MR. PENNEY, land agent, of the firm of Wilmot, Fowler, and Wilmot, also gave evidence in favour of the scheme.

MR. HENDRIKS, on behalf of the Rev. E. T. Pereira, said that gentleman did not feel he ought to offer any objection to the proposals of the Corporation ; but he did desire to preserve the Oratory cricket ground, playing fields, and other amenities.

MR. CAVE then addressed the Inspectors in reference to how and when the question of compensation was to be determined when it arose, and the proceedings were adjourned until this morning at ten o'clock.

#### CLOSE OF THE ENQUIRY.—SECOND DAY.

The Local Government Board enquiry with reference to the Quinton, Harborne, and Edgbaston Town Planning Scheme came to a conclusion at the Birmingham Council House yesterday afternoon. The inspectors—Major Norton, R.E., and Mr. Thomas Adams—heard the case, presented by Mr. H. H. Joy, for the Harborne Home Farm, Mr. J. S. Nettlefold, and others. The Town Clerk (Mr. E. V. Hiley), conducted the case for the Corporation.

MR. JOY contended that in view of the cutting of an 80 feet road through the best part of the land and the proposed ring road, which would go to the boundary the necessity for the footpath over which the public had a right of way had ceased to exist, and it should be included in the list of those to be closed. Counsel asked also that there should be a right of appeal against the refusal of the Corporation to permit the erection of any factory or manufacturing premises on any portion of the land belonging to the Harborne Home Farm (Limited). Although the Corporation proposed to proceed straight away with one or two portions of the road, they had only a very faint idea of the direction the development would take in the near future, and what class of development it would turn out to be. It would be unsound, economically, to restrict such a large area from the right to put up manufacturing premises. Again, he was far from satisfied that there was sufficient provision providing machinery for the return of any betterment paid by the owners in the case of revocation or alteration of the scheme as it affected those owners.

#### MR. W. R. FLEETWOOD EXAMINED.

MR. JOY then called his first witness, Mr. W. R. Fleetwood, surveyor, Birmingham, a director of the Harborne Home Farm (Limited). He stated that they had leased 97½ acres of land from March 25th, 1905, till March 25th, 1926, at a rental of £235 per annum. About 56 acres of the land formed the golf course. The area required for the making of the proposed road would be three acres three roods. Witness said he objected on behalf of the Harborne Charity Estates Trustees to a 30 feet building line, which would prejudice the property. The land on the boundary with regard to which they were asking for an extension as to the number of houses to be built comprised about ten acres, and having regard to the locality as a whole, he thought there should be an opportunity to build up to twenty houses on that area.

In reply to a question by Mr. Hiley as to the class of houses which would be built on the new road, witness said he felt that those he represented were not likely to get anything on the road at a higher rent than £30 to £35 per annum.

MR. HILEY continued his cross-examination with the view of showing that the footpath which the public had a right to use across the golf course would be necessary even after the opening of the proposed new roads.

Witness said if the piece of ground which the Corporation proposed to convert into a playing field were opened before the contiguous land was developed, the footpath in question would be the only means of access, and the crowd passing along would prejudice the land as a golf course.

MR. HILEY: You will be subject to all the inconvenience of user, but it is a public highway.

WITNESS: The user is not much. On Sunday afternoons there are courting couples. I don't suppose you ever go along there, Mr. Hiley?

The TOWN CLERK: No, I don't.

#### MR. NETTLEFOLD'S PROPOSAL.

The Inspectors next heard from Mr. Joy an outline of the proposals of Mr. J. S. Nettlefold, and some Harborne petitioners. They were not approaching the scheme in any spirit of opposition, counsel explained. Their suggestion was that a mistake was going to be perpetuated if the roads suggested by the Corporation were carried along the proposed lines when there was an opportunity such as might never occur again of providing a proper and efficient means of access from Harborne in the centre of the town-planning area into Birmingham. The alternative route proposed by Mr. Nettlefold had never yet been properly investigated by any person on behalf of the Town Planning Committee or the Corporation. The Corporation had recognised all along that they had to provide some road which could be utilised as a main artery of communication from Quinton and Harborne to Five Ways, because they had it plainly shown to them that the old-fashioned Harborne Road could not properly be used for that purpose. Mr. Joy went on to argue that the link proposed by the Corporation between Hagley Road and Harborne Road was unnecessary, in view of the fact that there was very little traffic between the two. Between six o'clock and nine o'clock that morning, for instance only forty-eight people had used Woodbourne Road. The roads proposed by the Corporation were of no value at all from the point of view of bringing land into rating. Mr. Nettlefold's proposal was that there should be a road brought down to a railway line, taken underneath there, and brought down to Five Ways, a proposal which would be far more remunerative from the point of view of bringing land into rating. If they constructed a wide road of a new and attractive type, a sort of boulevard, it would enormously assist the development of the area, and that was what was wanted. The proposed new road suggested by Mr. Nettlefold and the petitioners would give a means of access to the Botanical Gardens at the other end, and might assist in bringing people out here.

MR. J. S. NETTLEFOLD began his evidence by saying he had worked at town-planning as well as theorising about it. It was certainly not the case that there was in Harborne, in the town-planning area, a considerable number of people who desired communication with the Hagley Road and beyond it to the north. The demand was for communication with the City. The people of Harborne wanted a road of their own giving direct access to Birmingham. It might be suggested that the road he was proposing was for the benefit



of the Harborne Tenants. If that were true the road would be for the benefit of the town-planned area, because the Harborne tenants lived in the heart of the area. The Corporation proposal would block development, whilst the alternative route would encourage it. Once they passed the railway line the proposed alternative road to St. George's Church would turn back land into valuable front land. From the point of view of attractiveness a boulevard running right down to the Calthorpe Road, close to Five Ways, would bring the area to the people, and get them to know it and appreciate it. When the tramways were developed so that they would be carrying Quinton and Hales-Owen people, Hagley Road would have more traffic than it could carry, and it would show a lack of foresight to increase still further the traffic by providing a new link with Harborne Road. Unless the arterial road which he suggested were constructed the Corporation would be bound sooner or later to provide some artery from the town-planned area into Birmingham, and the longer they waited the more they would have to pay for it. The best expert town-planners' opinion now was that "ring" roads were useful, but not nearly so important as arterial roads. He proposed that the road be constructed by agreement with the owner on similar conditions to those in the rest of the town-planned area without going through the formalities of preparing a scheme. The owner was Mrs. Anstruther Gough-Calthorpe, and he had reason to believe she would consider the matter very favourably, for it was good business for the owner to get such a road made through her property. Another alternative would be to draw up a supplementary town-planning scheme; or it might be possible to get the assistance of the Road Board.

In reply to Mr. Hiley, Mr. Nettlefold said there was no necessity in his opinion for providing means of access from Ravenhurst Road across the valley to Woodbourne Road, provided the Corporation dealt with Meadow Road in the way he had explained. He admitted, however, that the scheme would be better with such a means of access if it did not cost the ratepayers anything, and brought land into building condition. But there was harm in spending £17,000 on a scheme that was going to block building development. There was a considerable population on the far side of Hagley Road, in Gillott Road, and Rotton Park Road, but they would have access across the valley by Meadow Road without costing the ratepayers anything.

Is there any reason why owners should not construct that road for themselves if they wish to do so?—The objection to leaving it to the owners to construct a main artery is that they won't make it wide enough for an artery, but only sufficiently wide to develop their own land. Continuing, Mr. Nettlefold agreed that irrespective of the scheme the owners and the Corporation might make the alternative road by agreement. The rest of the road on the other side of the railway embankment was put forward as a means of access to Harborne, via Nursery Road and Gordon Road.

MR. R. P. HEATON, architect and surveyor, said that if the alternative proposal were adopted carrying a 100 ft. road to the railway, it would make an excellent approach to the whole of the town-planning area.

MR. LAKIN SMITH, surveyor, said that the estimated cost of the proposed alternative road, including compensation, was £46,350. The net cost, calculating betterment, was £37,000. The part of the alternative road within the area he estimated would cost £12,900. The net cost after deduction of betterment he estimated at £7,727.

Cross-examined by Mr. Hiley, witness said it was quite possible to carry out the proposal irrespective of the town-planning scheme.



## ROAD BOARD ENGINEER'S EVIDENCE.

COLONEL CROMPTON, engineer to the Road Board, said the alternative road would provide a more speedy route, less liable to be blocked by traffic, and commended itself to him from every point of view for the benefit and development of the town-planning area. He agreed that the proposed road would end abruptly at the railway embankment unless an auxiliary town-planning scheme were provided.

MAJOR NORTON: If this road is carried out as a public improvement, can you say whether the Road Board will make any contribution?

The witness replied that so far the Road Board had not contributed to any urban improvement. They might be compelled to do so in future, and the case in point was one he would strongly recommend them to support.

It was announced at this stage that the Harborne Tenants had come to terms with the Corporation.

MR. G. CADBURY, JUN., gave evidence in further support of the Corporation's case.

## THE CORPORATION'S REPLY.

The TOWN CLERK (Mr. E. V. Hiley) then concluded the case for the Corporation. He said he was requested by Mr. Wyrley Birch's representatives, who owned 140 acres of land, to say they approved of the Corporation scheme. As to the Edgbaston Golf Club, he should have been glad to avoid their property altogether, but the City Surveyor was quite unable at the present time to mark out any other line; so the position would have to remain as it was. If in future something better could be devised, the Corporation might have to go to the Board for a deviation. As to Mr. Nettlefold's case, the assumption appeared to be that the only place to which the inhabitants of Quinton and Harborne wished to go was the centre of the City. But there was a considerable population in the Rotton Park Ward who wanted to go to Harborne, and vice-versa. The proposed Corporation roads were really the only means of access from the centre of the district to Hagley Road. The only suggestion which the Corporation made was to substitute a really efficient road for one which had been found inadequate. If the new road was constructed Hagley Road would be linked up with Ravenhurst and Lordswood Roads, Harborne Village, and Quinton Village. The suggested addition to the town-planning scheme related to a road which only for a short length was within the town-planning area. It was a belated proposition, put forward now as a means of access to Harborne Village, which itself was outside the town-planning district. It was admitted it could be carried out by agreement quite as effectively as under the scheme. The bulk of the road would be in the Edgbaston estate, and the Calthorpe estate owners refused emphatically to allow tramways to be laid across Edgbaston. And who would this suggested road serve? It would finish in a dead end at the railway embankment. There were adequate roads now on the Harborne Tenants' Estate which, within the next few weeks, would be taken over by the Corporation as public highways, and which afforded quite ample means of access for anybody who wanted to get to Lordswood Road corner or Ravenhurst Road. To carry the alternative road through would necessitate an agreement with the railway company, who had never been consulted at all. If they eliminated the question of trams from the proposal it resolved itself into one for estate development and for the benefit of the owners. The existing roads were quite sufficient for motor-bus traffic to Harborne, and were so used now. The alternative proposal was,

therefore, a suggestion that the Corporation should combine with the landowners to make the road for the development of the Edgbaston estate. Doubtless, the owners would be very glad to co-operate with the Corporation, but, he thought, it would only be on the understanding that their (the owners') contribution to the cost of the road did not come up to anything like the full cost of the one-hundred-foot road. The arrangement with the owners up to now had been based on their paying for a 42 ft. road, the balance being paid by the Corporation. Certainly, the Corporation would object to giving the Calthorpe estate more than one-half of the cost of making a road which would only be for the benefit of the estate owners. There would be no possible return in the way of rateable value for some time. A good part of the route was now held under a lease which had twenty years to run, and the character of the ground was such that no one would be desirous of taking the land for the purpose of erecting good-class property, and the property on the Edgbaston estate was subject to very considerable building restrictions. Moreover, the Corporation, by 90 votes to 5, had deliberately rejected this proposal. The Board were asked to do an unheard-of thing—deliberately to set on one side the considered judgment of the City Council, and compel them to construct a road they did not want. He suggested that the proposed road from the embankment to St. George's Church was one which could only be constructed with the goodwill of the Corporation unless the owners did the work themselves, inasmuch as there was no power under any Act of Parliament to compel a Local Authority to make a road which they did not require. If the owners liked to make a scheme, as they were able to do under the Town Planning Act, then it would be for the Corporation to consider it, with the view to its sanction and adoption by the Board. For the foregoing reasons Mr. Hiley asked the Inspectors to report against the suggested road through Edgbaston, and also to say that the alternative road proposed within the area would not serve any useful purpose at present, although it might be constructed at some future time when the landowners came to the Council.

MR. HILEY added that if the development of the area and changed circumstances rendered it desirable to have factories there, the Corporation had no wish to stand in the way. They would, of course, object to any obnoxious or offensive trade being carried on. If the Board decided to allow a right of appeal, it should apply not only to the giving but to the withholding of consent.

The enquiry then concluded.

## THE GIVING OF THE APPROVAL OF THE LOCAL GOVERNMENT BOARD.

When the Local Government Board have modified the scheme, and it is in a form to which they can give their formal approval, and issue their Draft Order, two further steps must be taken.

The first of these is that the Local Authority must give formal notice by advertisement that the Local Government Board have prepared a Draft Order and that the scheme is deposited.



In the case of the Quinton, Harborne, &c. scheme the following advertisement was inserted :—

NOTICE TO OWNERS, &c., THAT SCHEME IS DEPOSITED AT COUNCIL HOUSE.  
HOUSING, TOWN PLANNING, ETC., ACT, 1909.

APPROVAL OF TOWN PLANNING SCHEME UNDER PART 2.

CITY OF BIRMINGHAM.

QUINTON, HARBORNE AND EDGBASTON TOWN PLANNING SCHEME.

To all owners or reputed owners, lessees or reputed lessees, and occupiers of the land comprised in the Scheme, and to all others whom it may concern :—

NOTICE IS HEREBY GIVEN that the Local Government Board have caused a draft Order to be prepared for approving the above Scheme subject to modifications ; that a copy of the draft Order may be inspected and any information in regard thereto may be obtained, without payment of any fee, at the Office of the undersigned Town Clerk, at the Council House, Birmingham, between the hours of 10 a.m. and 5 p.m. on any weekday (except Wednesday and Thursday, December 25th and 26th, when such office will be closed, and except Saturdays, when the hours will be from 10 a.m. to 1 p.m.) during the period of one month from the date of service of this Notice ; and that any objections or representations in regard to such modifications should be made in writing and addressed to the Secretary, Local Government Board, Whitehall, London, S.W., within a period of one month from the date of service of this notice.

Dated this 14th day of December, 1912.

For the Lord Mayor, Alderman, and Citizens of the City of Birmingham,

E. V. HILEY,  
*Town Clerk.*

The second of these final steps is that the Board must under Section 54 (4) of the Act, before formally approving the scheme, publish notice of their intention to do so in the *London or Edinburgh Gazette*, as the case may be, and

" If within twenty-one days from the date of such publication any person or authority interested objects in the prescribed manner the draft of the order shall be laid before each House of Parliament for a period of not less than thirty days during the Session of Parliament, and if either of those Houses before the expiration of those thirty days presents an Address to His Majesty against the draft, or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft scheme."

When this stage has been safely passed, then the scheme becomes in effect an Act in accordance with the following Sub-section 5 of Clause 54 :—

" A town planning scheme, when approved by the Local Government Board, shall have effect as if it were enacted in this Act."



## THE VARYING OR REVOKING OF A SCHEME.

Provision is made for the varying or revoking of a scheme under Clause 54 (Sub-section 6) as follows :—

“ A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with this Part of this Act, and the Local Government Board on the application of the responsible authority, or of any other person appearing to them to be interested, may by order revoke a town planning scheme if they think that under the special circumstances of the case the scheme should be so revoked.”

It is extremely improbable that the Local Government Board will take advantage of their power to revoke a scheme, but as time passes the power to vary a scheme will be assuredly used. In such a case all the stages of procedure described above will have to be passed through just as if no scheme existed.

## SECTION VII.

## THE ADMINISTRATION OF THE ACT IN SCOTLAND.

The administration of the Act in Scotland differs from the administration of the Act in England and Wales in three essential features.

- (1) The Department of the Government to which application for permission to prepare a scheme must be made and to which all subsequent applications must be submitted for approval, &c., is the Scottish Local Government Board.
- (2) In districts other than towns (Burghs) the Local Authority possessing power to prepare a scheme is the District Committee of the County instead of, as in England and Wales, the Rural District Council.
- (3) A special set of Regulations governing procedure has been issued by the Scottish Local Government Board, and these Regulations differ in several important points from the English Regulations. The text of these Procedure Regulations is given in the Appendix.

It will be found on studying these regulations that the main points of difference between the English Regulations and the Scottish Regulations centre round the method of giving notice. For example, in the first stage of procedure, leading up to the application for permission to prepare a scheme, Local Authorities are not required to make individual service of notices on owners. This service is to be made by public notice in the form of an advertisement.

In one other respect the Scottish Regulations differ from the amended English Regulations. They require Local Authorities in submitting their applications for permission to prepare schemes to give a good deal of information concerning their proposals, estimates as to cost, &c. The English Board has in the amended Regulations greatly lessened the work to be done in this respect in the preliminary stage, and although the Regulations of the Scottish Board have not yet been amended, the Officers will most certainly do all within their power to render equally simple the details of the procedure in this the preliminary stage of Town Planning work. In this relation the report of the interview with the Housing and Town Planning Comptroller to the English Board may be taken as recording the views of the Scottish Board. This report was discussed at an interview with several members of the Scottish Board in 1911, and an assurance was then given that in practice Scottish Local Authorities would not be required in this preliminary stage to do more than state in general terms any ideas they might have as to new road construction, and only give general estimates of cost—and even then only in so far as it was found practicable to frame such estimates.

#### THE POWER TO FRAME REGULATIONS IN REGARD TO BUILDING CONSTRUCTION.

It is important that the attention of the members and officers of Scottish Local Authorities should be specially directed to the great value of the power possessed by them to frame special regulations as to building construction under Town Planning schemes, and to the fact that these Regulations will, in regard to the specific points governed by them, override or supersede the Regulations of the Dean of Guild Courts established under the Police Acts.

This point is of cardinal importance. It provides a clear and definite method of altering standards of construction when these are found to place barriers in the way of economical development on Town Planning lines, whilst leaving the existing standards in full operation in those parts of the municipal area which are not made subject to Town Planning schemes.

## CHAPTER III.

## THE FUNDAMENTAL PRINCIPLES OF TOWN PLANNING.

**I**T will now be of service to consider to what extent it is possible to guide members and officers of Local Authorities engaged in the preparation of Town Planning Schemes by placing before them a clear statement of those principles of Town Planning which are of such vital importance as to deserve to be called fundamental principles of town planning.

From the artistic point of view some professional men may be tempted to say that any attempt to define a series of first principles of Town Planning will have bad results by encouraging schemes lacking features of artistic beauty and grace of design.

But criticism of this kind must be regarded as superficial and lacking in insight. There is no reason why the results of Town Planning Schemes should not be beautiful—and indeed every reason why they should be beautiful—but at the same time in must be recognised that town planning is primarily needed to increase the health and general well-being of the citizens.

To put the same truth in another way, it will be readily agreed that in the construction of a bridge certain fundamental conditions of good bridge building must be fulfilled if the bridge is to perform its work with efficiency. It is possible that when these fundamental conditions are fulfilled it will be a very ugly structure, but it will nevertheless be a good bridge. If these fundamental conditions are not fulfilled then it will be a bad bridge, even though as far as external aspect is concerned, it may be a beautiful structure.

Now the bridge will be a bad bridge because in the construction of it certain conditions of good bridge building have not been fulfilled, and these conditions are rightly regarded as fundamental conditions.

But it is just as important to the individual member of the community that the town or suburb in which he lives shall be suitably planned as it is that the bridge over which he walks or is carried shall be properly constructed. The need, therefore, for the authoritative recognition of certain principles of good



town planning is just as great as the need for the clear recognition of the principles of good bridge building. In other words, it is necessary that the science of Town Planning—as distinct from the art of Town Planning—should be made the subject of special consideration and that certain fundamental principles of good town planning should be clearly enunciated.

No more fruitful field of town planning study can be found than that of the clear analysis of the objects to be attained by wise town planning action and the tracing out of the principles which should govern such action.

In recent years a great deal of attention has been given in Great Britain to the study of such questions as that of the best kind of treatment of squares and places, the grouping of houses, the planning of boulevards and the designing of civic centres, &c., and it has been fortunate that such men of ability as Mr. Raymond Unwin, Professor S. D. Adshead, Mr. T. H. Mawson, and Mr. H. V. Lanchester, to mention only a few of them, have been attracted to this field of town planning study. To Mr. Raymond Unwin in particular gratitude is due for his invaluable work in garden suburb development and for his clear demonstrations of the methods by which public-spirited landowners can without material loss to their revenues plan estates on right lines.

But these writers have only commenced the work of building up a town planning literature for this country, and their books have dealt more with the art of town planning than the science of town planning.

The German books on Town Planning are on the whole not helpful to town planners in Great Britain for, with the brilliant exceptions of Professor Eberstadt and, in some measure, Stadtbaurat Stubben, German architects and engineers, writing on this subject, have taken as their starting point the fixed idea that the system of block dwellings adopted in Germany is the only possible one for them. They take the view that it is not practicable to provide small houses and garden suburb types of development on the borders of great cities.

The great service rendered to Great Britain by Germany in regard to Town Planning has been that of "pointing the way," but now that the path of town planning activity has been entered upon we have curiously little to learn from Germany in regard to methods of Town Planning, and must "work out our own salvation" as far as the clear enunciation of town planning principles is concerned.

It is clear that these town planning principles must be related to the vital needs of all the families who will live in organised communities in those areas which are made the subject of town planning schemes, and a little reflection on the lessons of past history will shew that so far from these vital needs being in any sense a fixed quantity, they are continually changing, growing and expanding, and that new needs are emerging.

In ancient and mediæval times the vital need was to provide for safety against attack by the construction of a strong city wall. But with the development of modern artillery the value of the city wall as a means of defence has disappeared, and with the disappearance of this value in use of the city wall, the need for crowding people together in narrow streets disappeared too.

Throughout the period of the Renaissance, the seventeenth and eighteenth centuries, and the early part of the nineteenth century, the needs which found effective expression were those of autocratic kings and princes desiring great palaces and gardens, and—more especially in the latter part of the period—those of rich landowners, wealthy merchants, and the middle classes generally, desiring comfort and amenity in and around their homes.

Throughout these centuries the vital needs of the poorer members of the community were hardly expressed at all except through the pens of such sympathetic writers as Goldsmith, and Crabbe, and in the absence of any kind of democratic power the masses of the people might have been non-existent so far as any organised endeavour to satisfy their vital needs was concerned.

But with the growth of democracy the vital needs of the masses began to find expression in clear and definite demands for conditions of health, comfort and amenity and in so far as the provision of these is dependent on the possession of wealth, the great labour struggles to raise wages in the latter part of the nineteenth century may be regarded as definite stages in the evolution of an effective demand for the satisfaction of these needs.

This expression of new needs is of enormous importance. Life is ceasing to be a blessing for the few and a round of drudgery for the many. For the first time in the history of the world the great problems of social betterment are being approached in the spirit of the founder of Christianity. It is true that upwards of a century ago Jeremy Bentham, the philosopher of individualism, gave expression to the formula "the greatest good of the greatest number," but this formula has never yet been fully accepted as a guiding principle in municipal and national effort. Yet rightly understood, and stripped of all theories as to methods of government—individualistic and socialistic—there is only one standard by which national and municipal action—whether in regard to town planning or in regard to any other development of life—can be judged, viz., its effect on the well being of the community as a whole. Judged from this point of view all the successes of Napoleon III. and Haussmann seem small indeed. If we follow the Parisian workman into his crowded "appartement," depending for air and light on that which comes from the central court, we shall be convinced that the money expended so lavishly on great boulevards would have been better spent on the improvement of the homes of the people, and that only when the conditions in regard to the homes of the people have been put right should great spectacular civic centres be developed.



It may be regarded as a hard saying by some town planners who are hypnotized by the grand manner of France or by the colossal manner of Germany, but it is nevertheless true that any town planning scheme which fails to secure the provision of good sites for the homes of the people—who form the solid base of the social pyramid—is a fundamentally bad scheme despite all the artistic detail which may characterise it.

#### (1) THE PROVISION OF HEALTHY SITES FOR HOMES.

At risk of some misunderstanding and much controversy it will be wise to state as the first fundamental principle of town Planning the provision of healthy sites for homes.

It is true that homes cannot be maintained if the work of providing wealth cannot be carried on in more or less close proximity, but when it is not possible to produce wealth in some form or another then the need for town planning does not arise. The fact that the preparation of a town plan becomes desirable or possible is in itself a proof that this possibility of securing the means of existence is present.

If in placing this vital need for the provision of healthy sites for homes as calling for consideration before other needs (*e.g.* transit and grouping of industrial facilities), there may seem to be over-emphasis of the "housing" side of Town Planning, it is only necessary in reply to draw attention to the evil results of the neglect of this vital need in every great city in the United Kingdom.

How important it is that this principle should be clearly enunciated can be seen from the fact that in practically every great scheme of continental town planning—with the exception of the Ulm scheme—this principle has been violated.

Behind some of the fine broad streets of Berlin rear blocks of dwellings have been and are being built on insufficient sites, and under conditions, as to light and air, so faulty as to render useless much of the fine health work of the Berlin City Council.

*Salus populi suprema lex*—(The health of the people is the supreme law)—is a maxim of fundamental value in town planning work. But the health of the people cannot be secured unless the planning of the areas in which working people live is right. Unless sunshine and pure air flood the Berlin workman's home with their beneficent influences the work of Berlin town planners must be regarded as a colossal failure. The sunshine in the "Tiergarten" and "Unter den Linden" is a quite inadequate substitute for the sunshine which should enter the home of the poorest workman.

The Berlin workman who lives in a two room dwelling in the rear tenement of a barrack-like block, has no reason to be greatly interested in colossal schemes for building 300 feet roads with trams laid on grass tracks through Charlottenburg.



To the extent indeed to which these spectacular effects gratify the "bourgeois" love of display and give the impression that all is well, the workman has a right to complain that those whose duty it is as "City Fathers" to safeguard his health, have betrayed their trust.

Paris has produced the apache as well as the boulevardier—Belleville is as much a part of the Paris of to-day as the Champs Elysée, and the system of town planning which has permitted the creation of new tenement quarters for the poor, whilst at the same time devoting great sums of money to city embellishment for the gratification of the rich, must be regarded as a system which can only be continued so long as the poorer citizens are willing to allow their housing and other needs to be regarded as secondary needs when compared with the needs of the richer members of the community.

## (2) THE BUILDING OF WELL-PLANNED HOUSES UNDER TOWN PLANNING SCHEMES.

A second fundamental principle of town planning is that provision shall be made in all town planning schemes not only to secure for the giving of ample space around the homes of the people, but that the houses shall be well-planned and well-grouped, and that especially the rooms shall be so placed as to permit the sunlight to enter freely into the rooms.

The limitation of the number of the houses per acre and the fixing of a definite and proportionate relation between the whole site and that part of it devoted to buildings, will alone not be sufficient to secure all that is needed. Building regulations specially applicable to each area should be framed to keep within severe limits the tendency to erect rear buildings jutting out from the main building. It is important that the building of narrow-fronted houses should be checked and builders and others encouraged to build houses with rooms broad and not deep. Many otherwise admirable cottages have been spoiled because the frontages have been cramped and rooms built in such a way that the side of the room farthest from the window is in darkness.

An almost universal fault in developing estates in the past has been that the factor deciding the planning of the rooms has not been the sun, but the idea that the "best room" or "parlour" should look out upon the road and that the working rooms must be at the rear of the house. The result of this "law"—and it is almost a law in working class estate development—is that the working rooms in houses on one side of a road receive afternoon sunlight, and the working rooms on the other side of the road facing as they do in a different direction, are deprived of afternoon sunlight.

With the exercise of a little architectural skill, with an adequate set-back and with the use of wooden screens in gardens, there is no reason why the backs of houses should not in some cases be built towards the street.

It is probable that during the first few years of Town Planning administration, Local Authorities will not be anxious to use their powers to the full, but it is to be hoped that such effective though moderate use will be made of these powers as shall secure that builders will not be permitted to build a whole street of houses as much like each other as peas from the same pod, and that they will be led to realise that the responsibility for securing good designs prepared by competent architects, is as much a part of their work as the need for using good materials and for laying good foundations.

(3) THE PROVISION OF GARDENS, RECREATION GROUNDS, PLAYING FIELDS, BOULEVARDS AND PARKS AND THE PRESERVATION OF PLACES OF NATURAL BEAUTY.

The value of an ample provision of open space as forming an integral part of a well-thought-out town planning scheme is so great that it will be wise to state as a third fundamental principle of town planning the provision in a scheme of an adequate supply of open spaces, playing fields, recreation grounds, boulevards and parks. To this it is necessary to add the exercise of a wise watchfulness in regard to the preservation of places of historic interest and natural beauty.

Of all open spaces the most valuable is the home garden, for it renders an intimate personal service to the inhabitants of the home. It means health, rest, sunshine, peace and many other of the best things that life can bring to the workman and his family.

It is true that in many cases gardens are not cultivated as they should be by those possessing them, but this is not a reason for building houses without them, but for stimulating interest in the care of gardens, and in some cases making a condition of tenancy the proper upkeep of the garden. Carelessness and slovenliness of the person is rightly regarded as a social offence, and in the same way the neglect of a garden is an offence against the spirit of neighbourliness.

It is interesting to note that in well managed estates the amount of persuasion needed to secure the proper care of gardens by tenants is curiously small. Even those who do not care much about gardening "come into line" with their neighbours with the result that spring and summer in such garden suburbs as Bournville, Hull and Hampstead, to mention only three of them, is a time of delight to those who love the beauty of the modest home garden.

Next in order of value to the home garden may be placed the public or private open spaces close to the homes of the people. They serve as recreation grounds so close to the homes that parents can without anxiety allow small children to play in them. An admirable method of using awkward shaped pieces of land between the backs of houses is to devote these to small recreation grounds approached by footpaths only, so that there need be no fear as to the danger to children from passing vehicles.



How much children appreciate recreation grounds can be seen from the fact that in the case of a recreation ground established on a cleared area in the centre of Liverpool, it was found that children came to play from districts half a mile distant.

The economic wisdom of considering the provision of open spaces when a town planning scheme is being prepared is illustrated by the fact that under the Ruislip-Northwood Town Planning Scheme some hundreds of acres of land will ultimately be devoted to private and public open spaces without a single penny being paid by the Local Authority for the purchase of this land.

The value of playing fields is clearly recognised by all citizens, and there is no danger that the Town Planning Committee of a Local Authority will fail to make provision for securing an adequate supply of playing fields.

The boulevard which is so familiar a feature of the planning of continental cities, has never been quite a success in the United Kingdom, but nevertheless some admirable boulevards have been constructed here. Amongst the most interesting examples of this type of park-roadway may be mentioned: Princes Street, Edinburgh, and the beautiful gardens which flank it, Lord Street, Southport, and the extremely interesting work carried into effect by the Liverpool Corporation under the Chairmanship of Alderman Menlove and the expert guidance of the City Engineer, Mr. J. S. Brodie.

It will be of service here to point out that in the development of new arterial road projects as integral parts of town planning schemes a valuable opportunity is placed in the hands of Local Authorities to form, at a comparatively small cost, park-roadways of great amenity value to the community.

To what extent it is desirable to include in town planning schemes provisions for the purchase of land or the acceptance of land, to be devoted to the construction of large parks, is a moot point. In newly planned areas fully equipped with home gardens, recreation grounds, playing fields and boulevards, the provision of a park in addition is not a matter of great urgency. Indeed from some points of view to give open space in the form of a great park is to provide amenity in the least valuable form. But when the park can be provided as part of a project for preserving some place of natural beauty, the value of making provision to secure this amenity is unquestionable.

With regard to the preservation of places of historic interest all good citizens will be in agreement that a town planning scheme should be so prepared as to render secure the preservation of all places of historic interest whether the interest be local or national.

In this respect Local Authorities will find that their efforts will be warmly welcomed by landowners, and yet another proof will be given that with goodwill shewn on one side public spirit will be shewn on the other to the great gain of the whole community.



#### (4) THE PROVISION OF ROADS OF SEVERAL TYPES IN TOWN PLANNING SCHEMES.

A fourth fundamental principle of town planning is that in the preparation of a town planning scheme not one type of road, but several types of roads shall be included—each type devised to meet the need it has to serve.

The need for the inclusion in town planning schemes of projects for new arterial roads is clear to all who realise that the coming of the petrol-driven car has produced a revolution in the conditions of road use. It is essential that where traffic of a national, or semi-national character, passes through a district, an arterial road should be provided to take this traffic without danger and discomfort to the pedestrians using the road. Such a road should also provide for horse traffic, electric tramways—possibly on tracks specially constructed—and pleasant footways for pedestrians. If in the construction of this arterial road some boulevard features can be added and a promenade for the district provided, then an additional service will be rendered to the community.

The devising of types of secondary roads for access to suburbs will also call for the exercise of much thought and care. As a general principle it will be right to say that there is no special need to make these roads of great width and of expensive construction. The wide road is by no means the best for shopping purposes. The municipality of Buda Pest transformed a narrow, busy shopping street into a wide artery, and were chagrined to find that the shopping value of the street was nearly ruined in the process. Bond Street, London, and Bold Street, Liverpool, will be familiar as examples of narrow streets possessing high shopping values.

The planning of residential roads calls for special care for it will be found on analysis that in most suburban areas the proportion of arterial and secondary roads to residential roads is rarely more than 30 per cent., and generally less than 30 per cent.

In this relation it will be well to realise that when residential roads are constructed under the bye-laws in operation in most areas, every street is regarded as a potential secondary street giving access to the district beyond and the width of the constructed street is generally in excess of the actual needs of the residents in the street. In discussing the standards of construction to be adopted in residential roads it is often urged that it is the duty of the Local Authority to insist on the construction of wide and heavily metalled residential roads in order that in the event of the character of the road-use changing in the future a great municipal expenditure will be avoided. It will not be entirely just to say that this argument is reminiscent of the Eastern story contained in Charles Lamb's Essay on "The discovery of roast pork," but it will be quite fair to say that the lack of power in the past on the part of the Local Authority to prepare town planning schemes or to approve plans of lay-out other than those with roads made in accordance with Bye-law standards has resulted in an enormous waste of private capital.

How vital this matter is will be realised when it is remembered that the cost of road construction enters into the weekly rent of a cottage just as much as the cost of the roof on the cottage.

To express the same truth in another way it is of importance that members of Local Authorities should realise that the cost of constructing the roads in a town is borne not by the land developer but by the tenants of the houses abutting on the roads, and to take action which may mean that the tenants will pay a penny more each week in rent for heavy road cost, in order to avoid the addition of a possible half-penny per week on the rates in the remote future is not good, but bad municipal economy.

It should be clearly recognised that the financial interests of those responsible for the construction of roads and the lay-out of estates may be at the same time in harmony with the interests of a majority of the ratepayers of a city. If for example the tenants in a hundred streets of working class houses in a city have to pay higher rents as a result of an unnecessarily high standard of road construction being adopted in regard to the streets in which they live, then it is not sufficient to plead that this standard is desirable in order to avoid a possible rise in the rates in the future due to changes in road-use.

Coming to the closer consideration of this problem it will be difficult to discover any reason, other than that of greater public use, why poor men should live in houses bordering on dear roads, whilst rich men live in houses approached by cheap roads. The drive leading up to a mansion is not kerbed and channelled, but is in effect simply a strip of roadway. It however serves its purpose admirably, for it is only meant to give access to one house.

The road in which the poor man lives cannot be kept as private and as little used as the road leading to the rich man's mansion, but there is no need for it to be a through traffic road. Considerations of amenity—quite apart from considerations of economy—are leading us to develop a great number of new types of residential roads—*e.g.*, in crescent form and in quadrangles. A favourite form is that of a broad cul-de-sac, with large garden spaces between the houses and with footpaths giving access to the roads beyond.

Before passing from this subject a word of warning may be added in regard to the provision of cheap and lightly made roads. A policy of land development which relaxes the strength of roads should be regarded with a large measure of distrust by Local Authorities. The weight of motor vehicles is increasing, and there can be no doubt that in the future roads will need to be built more strongly to carry these increased weights.

The problem to be solved is not that of lessening the strength of roads, but of lessening the width of roads and in some cases of dispensing with the most costly part of the road, *viz.* : the curbing, channelling and paving. In many cases a



roadway only 18 feet in width (without footways) is quite sufficient to give adequate access to a group of houses, always provided that the houses on opposite sides of the roadway are set back in gardens or in private open spaces, thus substituting for the grey of useless road surfaces the green of useful garden.

#### (5) THE PROVISION OF TRAFFIC FACILITIES AND THE DEVELOPMENT OF NEW INDUSTRIAL AREAS.

A fifth fundamental principle of town planning is that provision shall be made in a town planning scheme for the improvement of traffic facilities and for the development of new factory areas on scientific lines.

By the improvement of traffic facilities is meant not only the provision of electric tram cars and other road vehicles, but the development of railway, river, and canal facilities in such a way as to secure that manufacturers shall have the maximum of convenience in receiving raw material and in despatching manufactured goods.

There is in some quarters a mistaken idea that the preparation of a town planning scheme must of necessity hamper and hinder manufacturers. How mistaken this idea really is can best be demonstrated by considering the great possibilities of wise town planning activity in stimulating and aiding the work of manufacturers.

It is true that the limitation of the Town Planning Act to unbuilt on areas greatly restricts the power of the Local Authority to help those manufacturers whose factories are in crowded built-up areas, but despite this limitation much valuable work can be accomplished if the right kind of foresight is exercised.

The possibility of providing new factory areas so carefully planned as to give the best kind of equipment so far as traffic facilities are concerned is a case in point.

The history of most manufacturing towns is that the demand for factory space is steadily increasing, and as in many cases the existing factories are hemmed in with small streets of workmen's houses, the manufacturer desiring more factory space must face the alternative of either building a new factory in the outskirts of the town or buying up existing property on dear land and then after clearing the site, building an extension of his factory.

Quite often the relative advantages of each course from the point of view of the manufacturer are evenly balanced, and a little addition of advantage in either scale will affect the wavering balance.

But from the point of view of the community it is far better that the manufacturer should build his new factory in the suburbs, and for this reason it is of vital importance that Local Authorities in preparing Town Planning Schemes should give



most earnest consideration to the possibilities of so harmonising and developing traffic facilities on the outskirts of their towns that those manufacturers who find themselves compelled to add to their factory space shall be induced to build their factories in new areas so well equipped with traffic facilities that the minimum of time will be taken and the minimum of expense incurred in the receiving of raw material and in the despatch of manufactured articles to the markets in which they are to be sold.

Stated in another way, it is clearly desirable that the municipal work of aiding manufacturers should not be limited to the selling of units of electricity and gas at cost price. The development and prosperity of most towns depends on the efficiency of the factories and works in the town, and in return for the payment of rates, the members of a Local Authority owe to manufacturers the duty of giving clear-eyed consideration to the possibilities of rendering the efforts of manufacturers as a whole more effective. Some towns dependent on one particular industry have already realised the need for giving facilities to manufacturers, and a most interesting activity and rivalry is springing up between towns in their desire to attract new industries. All kinds of projects are being considered, such as the giving of land free. This action is quite desirable, but it is even more to be desired that in all towns the Council should use and make opportunities for aiding those manufacturers who already possess factories and pay rates in their areas.

When the question of the growth of a town is carefully considered—and the preparation of a town planning scheme provides an admirable opportunity for giving this consideration—both the members of the Local Authority and the owners of land will, if they possess the necessary wisdom and foresight, be led to regard manufacturers not simply as a source of revenue, either as land purchasers or large ratepayers, but as captains of industry sharing with the workmen in their employ the task of producing the wealth to pay for the “daily bread” consumed by the citizens.

Wherever possible, a policy of encouraging manufacturers to migrate to properly planned factory areas in the outskirts should be followed, both in the interest of manufacturers and in the interest of workmen. But to carry into effect a policy of this kind it is necessary that landowners should be willing to sell or lease land at reasonable prices or rents, and in the preparation of town planning schemes every effort should be made to evolve a policy of rendering available cheap well-planned land for factory sites.

It is often assumed that owners of land are fully alive to their best financial interests, but the truth is that in many cases a short-sighted policy of charging high prices or rents for small areas of land has stopped development and driven manufacturers to build their new factories elsewhere.

The landowner who in endeavouring to secure exorbitant prices for factory land keeps it out of use, is acting in a way hurtful to the community, and no amount of money given in charities will make good the damage done. Good trade is much better for a town than philanthropy.

In another way the development of new factory areas on cheaper land will be productive of great good.

In many of the lower storeys of high factories in the narrow streets of such cities as Manchester, artificial light is needed throughout the day, and the financial waste is great. But on the health side the loss is much greater. Men and women and children spend from eight to ten hours a day in the factory, and if the supplies of light and air are not adequate their health must suffer. Rightly understood, it is just as important that the problems of securing the supply of pure air and light in and around the factory should be dealt with as it is that the problems of supply of pure air and light in and around the home should be solved.

To increase the health of men and women in factories is to increase the efficiency of the factory, and when Local Authorities realise fully the great possibilities of Town Planning guidance and control in this respect, they will understand that so far from Town Planning being of value only in the case of health resorts and cities of pleasure, order and care in planning are of real importance in securing greater industrial efficiency in the districts in which the hard work of the nation is done.

The question of increasing the facilities of the transit of workmen to and from the factories—both old and new—in which they are employed, is also of importance.

One of the worst faults of the planning—or rather the lack of it—which characterises industrial Britain to-day is that there is no kind of master mind controlling the distribution of population and using the power to project and carry into effect facilities for the distribution of this population in such a way as to secure the greatest measure of public good. It is not that skill and enterprise are lacking. The way in which problems of water supply have been solved by the municipalities of such towns as Liverpool, Manchester, Birmingham, and Sheffield, shews that when once a need is clearly realised the ability to meet it is at once forthcoming. But whilst it is important that facilities in the shape of aqueducts and pipes should be provided to bring pure water to our towns it is of equal importance that municipalities should give careful study to, and provide solutions for, the problems arising out of the need for distributing those who work in factories and machine shops, quickly and cheaply in suburbs of such a healthful character that their strength and vigour will be maintained and increased.



It is not necessary to put any industrial district "in the pillory" as far as this fault is concerned. Nearly every city and town in the kingdom can shew cases in which great masses of people have been distributed in wrong directions because the traffic facilities have been better in the case of unsuitable districts. Swampy land on the east of a town has been developed whilst the high land on the west of a town has been left unused.

The worst example of all is to be found in the mining villages of South Wales. On the upper parts of the hillsides flanking these villages and on the hilltops, healthy land in abundance is available, but in the chaos of neglect the population has been strewn thickly in long rows in the bottoms of the valleys—often sixty houses in an unbroken row—and thus that most dreary of all products of industrial life, a mining village-town has been created. Yet in these very districts some of the greatest engineering triumphs have been achieved. Machinery has been constructed with such ingenuity and possessing such power that thousands of tons of coal are sent to the surface of a coal pit in a single day.

Had the engineering ability which has produced these results been applied to the construction of roads with easy gradients to enable the hillsides to be reached with ease, and had tramways been constructed on these roads, a task of great social value would have been achieved.

What men can do by careful planning is seen at its best in the planning of an ocean liner. What can result from man's neglect is seen at its worst in a Lancashire town, in which following a complete lack of foresight, low-lying but valuable land abutting on great trunk lines of railways, has been used to provide sites for squalid cottages, and factories are built at long distances from the railway and canal systems, with the result that great sums of money are expended on heavy cartage charges.

In the presence of inadequate facilities for transit, land close to existing built up areas may possess a price so high as to place barriers in the way of its development. In cases of this kind the provision of new means of quick and cheap transit to cheaper but more distant land, will have admirable results not only in securing proper conditions on the land thus rendered of practical value in building use, but also in leading the owners of the dear land to accept lower prices for their land and thus render possible the development of these areas on modern lines. It is true that this process, resulting as it must in the diminution of the value of their highly priced land, will not be welcomed by the owners of such land, but a benefit will be gained by the owners of the more distant land, whose land will pass more quickly from agricultural to building use.



In some towns there is a difficulty of a rather formidable kind in the way of a policy of distribution of working class homes in distant suburbs, in the fact that the municipal area is so limited that this distribution will involve a loss of rateable value. The remedy for this difficulty rests however in the adoption of a bold and comprehensive policy of town extension. Whether it is possible short of this to devise some means of co-operation between the central Local Authority of a great city and the ring of Local Authorities beyond the central area is a subject which calls for much careful study.

## CHAPTER IV.

## THE DESIRABILITY OF TOWN PLANNING FROM THE POINT OF VIEW OF THE LANDOWNER AND THE LAND DEVELOPER.

**B**EFORE considering in detail the desirability of Town Planning from the point of view of the landowner and the land developer, it is only just and fair that a tribute should be paid to the enlightened action of many landowners in those areas for which Town Planning Schemes are now in process of preparation.

In almost every district in which schemes have been placed in hand, the owners of land—when the first irritation at interference with their full liberty of action has passed away—have acted in a spirit of wise co-operation with the Local Authorities. As examples of this it may be recorded that in the case of one of the schemes of the Sheffield City Council the owners of land decided to ask the Council to adopt a standard of 12 houses to the acre instead of 20 to the acre as proposed by the Council. In the preparation of the Quinton, Harborne, &c. Scheme and the Ruislip-Northwood Scheme, the majority of owners also gave their cordial consent to the adoption of the standard of 12 houses to the acre.

It would appear from these examples that landowners already regard town planning with favour as likely to be helpful, and not prejudicial to their interests. It is nevertheless of great importance that the desirability or otherwise of town planning from the point of view of the landowner and the land developer should be clearly and fully discussed.

In order to arrive at a reasoned conclusion it is essential that the two principal methods by which estates have been developed in the past, viz. :—

- (a) by the owners of the land themselves ; and
- (b) by individual land developers or groups and syndicates of land developers ;

should be clearly distinguished one from the other.

The first of these methods has been by far the most valuable from the point of view of public service. The development of the London Squares (referred to in Part I., Chapter III.), provides a good example of enlightened action by great

landowners, and the development of such towns as Eastbourne, Southport, Cheltenham and parts of Edinburgh, may also be cited in this relation. In such cases as these the owners and agents of large estates have set before themselves high standards and have resolutely determined to carry through the development of their land on right lines.

The second of these methods at its best has been of real public service, and at its worst has been responsible for the creation of the new slums which render the working class quarters of many of our towns so dreary and monotonous.

The work of the land developer is done so quietly and unobtrusively that the processes of his work are by no means familiar to the public, except under the general name of land speculation. In effect this work consists in purchasing land, or leasing land, or gaining control of options to purchase or lease land, and then, after cutting up the land into building plots and making roads and sewers, selling or leasing these plots to builders or others who desire to secure them for the erection of houses.

In some cases the risk run by land developers in this work is great, and when their anticipations in regard to the rapid sale or lease of building plots are not realised, their capital is quickly swallowed up in the fulfilment of the financial obligations which they have entered into for the purchase of the land.

In other cases the possession of ample capital and the exercise of great care, and not least, the willingness to accept moderate profits, render the operations of the land developer so safe that the term land speculation cannot with justice be applied to his operations.

The plans followed by the land developer in performing his work of laying out new building estates are quite simple. In ninety-five out of a hundred cases these plans are of the familiar gridiron type with straight lines and right angles. This type of plan is adopted not because the land developer has a preference for the straight line, but because the resultant building plot can be more easily sold and the success of the operation secured.

From the point of view of the land developer the problem to be solved is that of cutting up land in such a way as to secure the success of his financial operations. This success is the primary object to be secured. The financial risk is undertaken for the purpose of making profits, and the desire to make profits impels the land developer to follow in the well-worn path of rectangular planning which has led to success in innumerable land development schemes.

These, then, are the two main methods by which in the past estates in land have been developed.



It will now be of service to consider whether the coming of the Town Planning Act and the power given to Local Authorities under this Act to require certain conditions of good planning to be obeyed in the development of land will be financially favourable or otherwise to the landowner and the land developer. Stated in another way, the subject to be considered is whether the desire of the landowner to secure a good revenue from the sale or lease of his land and the desire of the land developer to gain profits in a business which, when conducted on right lines, is of real service to the community, may be made to harmonise with the exercise of the power possessed by Local Authorities to prepare Town Planning Schemes.

The consideration of this point is not only desirable, but imperative. It has been made clear in the earlier chapters of this book that with the passing of the Act of 1909, and in those cases in which Local Authorities have determined to place in operation the powers of the Act, the final decision as to the conditions under which land shall be developed now rests with Local Authorities (subject to the control of the Local Government Board and Parliament) and not with landowners or land developers.

But before considering this problem in detail it is yet again desirable to make clear the fact that governing all questions as to profit or loss to landowners and land developers consequent on the preparation of town planning schemes, there is the greater question of public interest in the use of land. This question of public interest must be regarded as the major question governing the minor question.

A comparison with other legislation will help to make the point clear. In the earlier years of the Victorian era Factory Acts were passed limiting the hours during which women and children might be employed in factories and workshops. The effects of these Factory Acts upon the profits of employers and upon the general cost of production were then discussed at great length, but considerations of the health and well-being of the women and girls employed were regarded by Parliament as of greater importance than the feared diminution in the profits of employers and the possible rise in the cost of production.

Similarly the decision as to whether a Town Planning Scheme should be prepared or not must be regarded as depending on the major question of public service, and not upon the minor question of the profit or loss to landowners and land developers. Just as in the nineteenth century employers of labour were called upon to obey new laws in regard to the hours of labour of their employes and sanitary conditions in their factories, and, despite their objections, were compelled to accept the yoke of these laws, so landowners and land developers are now called upon to submit to town planning control.

It is true that at present Town Planning powers are optional, for the decision as to whether schemes shall be prepared or not is left to the Local Authorities in each district (subject to the power given to the Local Government Board to call

upon any Local Authority to prepare a Town Planning Scheme where in the opinion of the Board such a scheme should be prepared). But the decision rests with Local Authorities and not with landowners or land developers, and this being so landowners and land developers will, if they are wise, accept the yoke of the new powers and will bend their energies to the task of securing that in return for the better standards as to space about dwellings, &c., Local Authorities shall be persuaded to relax conditions as to road width, and also, where necessary, conditions as to building construction.

It should be recognised that although Local Authorities possess this power to dictate the conditions under which landowners and land developers shall develop their estates and can compel obedience to such conditions, yet a clear duty devolves on all Local Authorities, viz. : the duty of securing the harmonious co-operation at every possible stage with those engaged in estate development, whether as landowners or land developers, and if it can be demonstrated that the economics of the new methods of land development under Town Planning Schemes are not unfavourable to landowners and land developers, then there is every reason to hope that this co-operation will be of great service to the community.

#### THE ECONOMICS OF LAND DEVELOPMENT UNDER TOWN PLANNING SCHEMES.

Coming now to the close consideration of the economics of land development under Town Planning schemes it is of importance to make a clear distinction between land which has been bought at high building prices under old schemes of land development, and land which is at present under agriculture, and for which in the past only prices based on agricultural rents have been paid. It is obvious that if land has been bought at high building prices during times of "land booms," and if this land has been held for periods of from ten to fifteen years, with interest constantly accumulating, the placing of any kind of restriction upon its use must involve loss to the present owners.

This may be made clear by the consideration of an actual case. An estate of five acres of land was bought in a Lancashire town by a small building syndicate ten years ago at a price of £800 an acre, but the hope of quick development was not realised and the land has been left in agricultural use. Within the last few months the owners have decided to sell the land at £400 an acre, and have lost quite £600 per acre on the transaction, viz. : £400 per acre on the net cost plus the compound interest accumulating during this period of ten years.

To the owners of this land any cause, whether it be recent land legislation, or town planning legislation, or any other legislation, will be "anathema." Any and every reason will be given for the loss except the most important reason of all, viz. : the fact that the purchasers committed the folly of buying land at high building prices without being certain that the land when bought would be quickly developed.



But the faults of credulity and unwisdom on the part of foolish land speculators—as distinct from wise and careful land developers—should not be used as arguments against town planning. No wise land developer buys land at building prices unless he is sure that it will pass quickly into building use. Unfortunately some land speculators are both foolish and credulous. Their “geese” are always “swans,” and as a result of their foolishness and credulity in the past, quite as much money has been lost in land speculation as has been gained.

### THE REAL PROBLEM TO BE SOLVED.

But the real problem to be solved is not that of the profit or loss of the land speculator who has bought land in the past in the hope of a rise, but that of the effect of town planning legislation on the prices of potential building land and on the rapidity of the sale of such land in the future.

In other words it is not a question of the effect of town planning legislation on past speculative purchases of land, but of the effect of this legislation on :—

- (a) The revenues of landowners possessing land at present in agricultural use but close to towns and industrial villages ; and
- (b) The future profits of those engaged in land development work.

It will therefore be of service to enquire : What prices were paid in the past for sites for working class houses developed under old methods, with 40 houses to the acre ; and what prices working men and others are willing to pay for sites when the number of houses per acre is limited, say, to ten.

In regard to the first point the only thorough investigation yet made is that of the Land Enquiry Committee (1912), and by kind permission of the Committee, the following paragraphs are given here :—

The Committee say :—

“ We have inquired very carefully into the actual prices of land suitable for the building of working-class cottages in 66 towns,\* and have received information from 47. It has been supplied by solicitors, builders, and others, and in some cases we sent a skilled professional investigator to a town with the express purpose of obtaining it.

\* Aylesbury, Bath, Basingstoke, Birmingham, Blackburn, Blackpool, Bodmin, Bognor, Bootle, Brighton, Bromley, Burnley, Bury, Carlisle, Carmarthen, Chesham, Chester, Chorley, Coventry, Dalton-in-Furness, Darlington, Eastbourne, Gloucester, Goole, Great Yarmouth, Harrogate, Haywards Heath, Hereford, High Wycombe, Huddersfield, Hull, Ipswich, Lincoln, Littlehampton, Llandudno, London, Luton, Manchester and Salford, Melksham, Merthyr, Middlesbrough, Neath, Norwich, Oldham, Peterborough, Poole, Preston, Reading, Redditch, Rhondda, Rochdale, Salisbury, Sheffield, Southend-on-Sea, Stamford, Stoke-on-Trent, Sunderland, Swindon, Todmorden, Torquay, Ulverston, West Hartlepool, Whitstable, Widnes, Yeovil, and York. With certain exceptions, the highest prices are paid in seaside and predominantly residential towns, and in certain towns, principally leasehold, where the land is entirely in the hands of one or a very few owners.



The prices vary so enormously within the same town that it is not possible to present our information in any brief tabular form. In some cases a full statement of the facts with regard to a single town would occupy many pages, and even if it were presented, the reader would probably be confused by the great mass of detail. But although we do not give all the particulars, we can make a few general statements, based upon a careful analysis of them, which will roughly indicate the range of prices paid for the sites of working-class dwellings. From the information received we have worked out the cost per square yard of the nett site, but including the cost of the land given up to roads and back-roads and the making of roads, footpaths, sewers, &c. The prices we cite have actually been paid recently and we have excluded any figures which appeared to be abnormal.

Less than 3s. per square yard of fully developed land in 7 cases.

Between 3s. and 4s.	"	"	"	"	5	"
" 4s. " 5s.	"	"	"	"	6	"
" 5s. " 6s.	"	"	"	"	3	"
" 6s. " 7s.	"	"	"	"	9	"
" 7s. " 8s.	"	"	"	"	5	"
" 8s. " 9s.	"	"	"	"	5	"
9s. and over	"	"	"	"	7	"

The size of plot varies greatly, usually, but not always, inversely with the price. In certain towns, although the price is comparatively high, it is customary to have a fairly large plot. The nett size of building plot (excluding the portion paid for by the builder but occupied by roadways) varies from less than 90 square yards in some of the Tyneside and Lancashire manufacturing towns and others, to over 200 square yards in such small towns as Aylesbury, Carmarthen, Melksham, Neath, Poole, Redditch, &c. The size under recent bye-laws of an ordinary site for a cottage in an industrial town is from 100 to 125 square yards, and a common price for such a site is from £30 to £45. The proportion of this price which represents the cost of development as distinct from the cost of the raw land varies enormously, not only between one town and another, but between one site and another in the same town. So great is the variation that it is only possible to make the very general statement that in a large proportion of cases from one-third to one-half of the price of fully developed building sites represents the cost of development."

From other investigations it would seem that a site cost of £35 for land and roads (a price which is nearly the mean between the £30 and £45 named above) is a normal price under old methods of development.

Taking therefore the price of the developed site as £35, and estimating the cost of roadmaking and other developments as £15, we arrive at a cost of £20 for the undeveloped building plot—a cost which represented £800 per acre when 40 houses are built per acre of land.

In answer to the second question, viz. : as to the amount which the tenant or purchaser of a house in a garden suburb is willing to pay for his site (as expressed either in the form of weekly rent or in purchase price paid) it may be said that the land bought by the Hampstead Garden Suburb Trust was secured for £470 per acre. But this land is in the London area, and the general price of garden suburb land throughout the kingdom is not more than £300 per acre—which means £30 for each undeveloped plot when ten houses are built per acre.

The amount which the workman actually pays in increased cost of site may therefore be taken as £10, viz. : the difference between £20 per undeveloped plot under the old methods, and £30 per undeveloped plot under town planning methods.

At first sight it would seem from the figures given above that the prospects for both landowners and land developers interested in land developed in areas which have been placed under town planning control are very gloomy prospects since they represent a fall of price from £800 to £300 per acre for undeveloped land. But it is necessary to realise that the prices received by landowners for land in the neighbourhood of towns when such land comes into the market is often a very moderate one and that the subsequent high prices for building plots are taken not by the landowner, but by the land developer. It will in fact be correct to say that if in the future landowners decide to adopt a policy of retaining in their hands the development of their own estates instead of selling or leasing to land developers, the price received per acre may be only slightly less than the price received under old methods of development.

From the point of view of the land developer the case is a very different one. His opportunities of adding large speculative profits—sometimes equal to three times the price per acre paid to the landowner for the land—will without doubt be greatly diminished.

But the price per acre is really only one of the factors. If more land can be transformed from agricultural use to building use than under the older methods of development, then despite the fact that the price per acre realised by the landowner and the land developer may be less, yet it is possible that the net gain to the landowner and the aggregate profit of the land developer may be greater than before.

In other words, the problem is also a problem of the rate at which land is changed from agricultural use (leased at rents based on its yield as agricultural land) into building land with an additional value as such, and given three conditions :—

- (a) the steady growth of the town or industrial village ;
- (b) the willingness of the artisan and lower middle classes to migrate from badly planned areas to better planned garden suburb areas ; and
- (c) the readiness on the part of the Local Authority to relax conditions as to width, &c., of residential roads ;

it is possible that landowners and land developers may be quite as prosperous in the future as in the past.

The extent of this prosperity will however depend on the exercise of good judgment in the choice of sites for development, and in general business ability, more especially in attracting tenants or purchasers for the land. Given the exercise of this wisdom and ability, landowners and land developers may obtain quite as good revenues and profits from land which is made the subject of town planning



action as they have obtained in the past under the old system. It is true that the price they will realise per acre for the land will not be so great as that obtained for small areas dealt with in the past, yet land will pass from agricultural to building use at such a greatly accelerated rate that the net financial result will be as good under a town planning scheme as under the old method of crowding 40 houses per acre on land developed with the usual 36 ft. street of the old type.

As stated above, the main reason for this is to be found in the acceleration of the rate at which land will pass from agricultural use to building use. There are two factors in this acceleration :

The first factor is that a much larger area of land will be required as a consequence of the placing of a limitation to the number of houses which may be built per acre. If, for example, the number be limited to ten per acre as against 40 per acre, then quite obviously four times the number of acres of land will be required to provide the same number of houses.

The second factor is the desire on the part of the working class and lower middle class families to live under conditions of greater amenity. This factor emerges in full force when landowners and land developers exercise their business acumen in such a way as to induce families now living in monotonous streets to migrate to garden suburb areas. It is true that some criticism is levelled against the garden suburb. New types of development such as those adopted in the Hampstead Garden Suburb, are even made the subject of humorous pictures in the pages of our national jester—Mr. Punch—but the solid fact remains that great numbers of people do desire to migrate to these garden suburbs. The houses to be let are found in the old badly-planned areas—for example, in the areas with basement houses—and not in the garden suburb areas.

It may of course be urged that this migration involves a heavy loss to the owners of houses in the older and badly planned areas, but this is not the question at issue. The better planned areas exercise a strong attractive force, and it will not be too much to say that, other things being equal, land which is made the subject of town planning control develops twice as quickly as under the old methods.

The community benefits in two ways—first by the rise in the standards of comfort and amenity of those who migrate, and second, in the setting free of accommodation to which poorer classes of workmen can migrate from areas which should be cleared. This last process may be one of several stages, but it is of primary importance in housing betterment.

It will now be of service to take the preceding statements of actual prices paid for land developed under the old methods and under the new methods respectively, and to shew in two Tables what the financial results will be as a result of the



operations of these two factors, taking first in order the increase in the area of land required to provide sites for houses when a limitation is placed upon the number of houses which may be erected per acre.

An endeavour has been made in these Tables to shew the resultant effect of the old and new methods on the revenues of landowners and on the profits of land developers (the two interests are here regarded as one for purposes of clearness).

In each case the same estate of 200 acres is taken, and it is assumed that the land not taken for building purposes is let on lease to farmers at an average rent of £2 an acre for agricultural purposes.

In Table I. it is assumed that 40 houses are built each year with an average of 40 houses per acre, and that the land for these houses is sold at a price of £800 per acre.

In Table II. it is assumed that four acres of land are taken for building purposes every year for the erection of the same number of houses, viz., 40, with an average of 10 houses to the acre, at a price of £300 per acre.

Two factors are disregarded :—

(a) The cost of roads, sewers and other works in preparing the sites. This factor is dealt with in a later chapter. In the following Tables, for the sake of clearness, only the cost of the raw land is considered.

(b) Increment duty.

In regard to the cost of the land, it will be noted that the ascertained prices for sites already given in this chapter are taken, viz. : £20 per site when 40 houses per acre are built, or £800 per acre, and £30 per site when the sites are developed with ten houses per acre, or £300 per acre. The fact that these figures are not hypothetical figures, but records of actual average prices, may be emphasised as giving a real value to these calculations.

It will be seen from Table I. that at the end of a period of 50 years—assuming that all the money received is invested at 4 per cent. each year—the owner will possess the sum of £177,761·34 and will have in hand 150 acres of land with an annual revenue coming in for the sales and rent of this land of £1,098, £1,096, £1,094 each year—the amount diminishing each year as the land is sold.

It will be seen from Table II. that at the end of the period of 50 years—assuming that the money received for land sales and rents is invested each year—the owner will possess the sum of £222,512·10 as a result of the adoption of the policy of selling his land quickly and cheaply as compared with the sum of £177,761·34 (vide Table I.), when the old policy of slow sale at high prices with 40 houses per acre is adopted.

ESTATE OF 200 ACRES OF LAND, ONE ACRE SOLD ANNUALLY AT  
AMOUNTS RECEIVED ANNUALLY FOR LAND SALES.

	ANNUAL RENTS.				ANNUAL LAND SALES.			
End of		199 acres @	£2	£	1 acre @	£800		
1st Year	..	199	acres @	£2	..	£800	..	80
2nd Year	..	198	" "	..	1	" "	..	80
3rd Year	..	197	" "	..	1	" "	..	80
4th Year	..	196	" "	..	1	" "	..	80
5th Year	..	195	" "	..	1	" "	..	80
6th Year	..	194	" "	..	1	" "	..	80
7th Year	..	193	" "	..	1	" "	..	80
8th Year	..	192	" "	..	1	" "	..	80
9th Year	..	191	" "	..	1	" "	..	80
10th Year	..	190	" "	..	1	" "	..	80
11th Year	..	189	" "	..	1	" "	..	80
12th Year	..	188	" "	..	1	" "	..	80
13th Year	..	187	" "	..	1	" "	..	80
14th Year	..	186	" "	..	1	" "	..	80
15th Year	..	185	" "	..	1	" "	..	80
16th Year	..	184	" "	..	1	" "	..	80
17th Year	..	183	" "	..	1	" "	..	80
18th Year	..	182	" "	..	1	" "	..	80
19th Year	..	181	" "	..	1	" "	..	80
20th Year	..	180	" "	..	1	" "	..	80
21st Year	..	179	" "	..	1	" "	..	80
22nd Year	..	178	" "	..	1	" "	..	80
23rd Year	..	177	" "	..	1	" "	..	80
24th Year	..	176	" "	..	1	" "	..	80
25th Year	..	175	" "	..	1	" "	..	80
26th Year	..	174	" "	..	1	" "	..	80
27th Year	..	173	" "	..	1	" "	..	80
28th Year	..	172	" "	..	1	" "	..	80
29th Year	..	171	" "	..	1	" "	..	80
30th Year	..	170	" "	..	1	" "	..	80
31st Year	..	169	" "	..	1	" "	..	80
32nd Year	..	168	" "	..	1	" "	..	80
33rd Year	..	167	" "	..	1	" "	..	80
34th Year	..	166	" "	..	1	" "	..	80
35th Year	..	165	" "	..	1	" "	..	80
36th Year	..	164	" "	..	1	" "	..	80
37th Year	..	163	" "	..	1	" "	..	80
38th Year	..	162	" "	..	1	" "	..	80
39th Year	..	161	" "	..	1	" "	..	80
40th Year	..	160	" "	..	1	" "	..	80
41st Year	..	159	" "	..	1	" "	..	80
42nd Year	..	158	" "	..	1	" "	..	80
43rd Year	..	157	" "	..	1	" "	..	80
44th Year	..	156	" "	..	1	" "	..	80
45th Year	..	155	" "	..	1	" "	..	80
46th Year	..	154	" "	..	1	" "	..	80
47th Year	..	153	" "	..	1	" "	..	80
48th Year	..	152	" "	..	1	" "	..	80
49th Year	..	151	" "	..	1	" "	..	80
50th Year	..	150	" "	..	1	" "	..	80

0 PER ACRE, FOR THE ERECTION OF 40 HOUSES PER ACRE.

CULTURAL RENTS, AND INTEREST AT 4 PER CENT.

Receipts from rents and Sales.	Receipts from Interest @ 4% on Accumulated Total Receipts calculated to two Decimal Points.	Accumulated Total Receipts at end of each year calculated to two Decimal Points.
£1,198	—	£1,198·00
£1,196	(4% on £1,198·00) .. £47·92	£2,441·92
£1,194	(4% on £2,441·92) .. £97·67	£3,733·59
£1,192	(4% on £3,733·59) .. £149·34	£5,074·93
£1,190	(4% on £5,074·93) .. £202·99	£6,467·92
£1,188	(4% on £6,467·92) .. £258·71	£7,914·63
£1,186	(4% on £7,914·63) .. £316·58	£9,417·21
£1,184	(4% on £9,417·21) .. £376·69	£10,977·90
£1,182	(4% on £10,977·90) .. £439·11	£12,599·01
£1,180	(4% on £12,599·01) .. £503·96	£14,282·97
£1,178	(4% on £14,282·97) .. £571·32	£16,032·29
£1,176	(4% on £16,032·29) .. £641·29	£17,849·58
£1,174	(4% on £17,849·58) .. £713·98	£19,737·56
£1,172	(4% on £19,737·56) .. £789·50	£21,699·06
£1,170	(4% on £21,699·06) .. £867·96	£23,737·02
£1,168	(4% on £23,737·02) .. £949·48	£25,854·50
£1,166	(4% on £25,854·50) .. £1,034·18	£28,054·68
£1,164	(4% on £28,054·68) .. £1,122·18	£30,340·86
£1,162	(4% on £30,340·86) .. £1,213·63	£32,716·49
£1,160	(4% on £32,716·49) .. £1,308·66	£35,185·15
£1,158	(4% on £35,185·15) .. £1,407·41	£37,750·56
£1,156	(4% on £37,750·56) .. £1,510·02	£40,416·58
£1,154	(4% on £40,416·58) .. £1,616·66	£43,187·24
£1,152	(4% on £43,187·24) .. £1,727·49	£46,066·73
£1,150	(4% on £46,066·73) .. £1,842·67	£49,059·40
£1,148	(4% on £49,059·40) .. £1,962·37	£52,169·77
£1,146	(4% on £52,169·77) .. £2,086·79	£55,402·56
£1,144	(4% on £55,402·56) .. £2,216·10	£58,762·66
£1,142	(4% on £58,762·66) .. £2,350·50	£62,255·16
£1,140	(4% on £62,255·16) .. £2,490·20	£65,885·36
£1,138	(4% on £65,885·36) .. £2,635·41	£69,658·77
£1,136	(4% on £69,658·77) .. £2,786·35	£73,581·12
£1,134	(4% on £73,581·12) .. £2,943·24	£77,658·36
£1,132	(4% on £77,658·36) .. £3,106·33	£81,896·69
£1,130	(4% on £81,896·69) .. £3,275·86	£86,302·55
£1,128	(4% on £86,302·55) .. £3,452·10	£90,882·65
£1,126	(4% on £90,882·65) .. £3,635·30	£95,643·95
£1,124	(4% on £95,643·95) .. £3,825·75	£100,593·70
£1,122	(4% on £100,593·70) .. £4,023·74	£105,739·44
£1,120	(4% on £105,739·44) .. £4,229·57	£111,089·01
£1,118	(4% on £111,089·01) .. £4,443·56	£116,660·57
£1,116	(4% on £116,650·57) .. £4,666·02	£122,432·59
£1,114	(4% on £122,432·59) .. £4,897·30	£128,443·89
£1,112	(4% on £128,443·89) .. £5,137·75	£134,693·63
£1,110	(4% on £134,693·63) .. £5,387·74	£141,191·37
£1,108	(4% on £141,191·37) .. £5,647·65	£147,947·02
£1,106	(4% on £147,947·02) .. £5,917·88	£154,970·90
£1,104	(4% on £154,970·90) .. £6,198·83	£162,273·73
£1,102	(4% on £162,273·73) .. £6,490·95	£169,866·68
£1,100	(4% on £169,866·68) .. £6,794·66	£177,761·34



TBI

ESTATE OF 200 ACRES OF LAND, 4 ACRES SOLD ANNUALLY AT £30 PER ACRE

AMOUNTS RECEIVED ANNUALLY FOR LAND

	ANNUAL RENTS.				ANNUAL LAND SALES.			
End of 1st Year ..	196 acres @ £2	..	£	392	4 acres @ £300	..	1	00
2nd Year ..	192 "	"	..	384	4 "	"	..	1 00
3rd Year ..	188 "	"	..	376	4 "	"	..	1 00
4th Year ..	184 "	"	..	368	4 "	"	..	1 00
5th Year ..	180 "	"	..	360	4 "	"	..	1 00
6th Year ..	176 "	"	..	352	4 "	"	..	1 00
7th Year ..	172 "	"	..	344	4 "	"	..	1 00
8th Year ..	168 "	"	..	336	4 "	"	..	1 00
9th Year ..	164 "	"	..	328	4 "	"	..	1 00
10th Year ..	160 "	"	..	320	4 "	"	..	1 00
11th Year ..	156 "	"	..	312	4 "	"	..	1 00
12th Year ..	152 "	"	..	304	4 "	"	..	1 00
13th Year ..	148 "	"	..	296	4 "	"	..	1 00
14th Year ..	144 "	"	..	288	4 "	"	..	1 00
15th Year ..	140 "	"	..	280	4 "	"	..	1 00
16th Year ..	136 "	"	..	272	4 "	"	..	1 00
17th Year ..	132 "	"	..	264	4 "	"	..	1 00
18th Year ..	128 "	"	..	256	4 "	"	..	1 00
19th Year ..	124 "	"	..	248	4 "	"	..	1 00
20th Year ..	120 "	"	..	240	4 "	"	..	1 00
21st Year ..	116 "	"	..	232	4 "	"	..	1 00
22nd Year ..	112 "	"	..	224	4 "	"	..	1 00
23rd Year ..	108 "	"	..	216	4 "	"	..	1 00
24th Year ..	104 "	"	..	208	4 "	"	..	1 00
25th Year ..	100 "	"	..	200	4 "	"	..	1 00
26th Year ..	96 "	"	..	192	4 "	"	..	1 00
27th Year ..	92 "	"	..	184	4 "	"	..	1 00
28th Year ..	88 "	"	..	176	4 "	"	..	1 00
29th Year ..	84 "	"	..	168	4 "	"	..	1 00
30th Year ..	80 "	"	..	160	4 "	"	..	1 00
31st Year ..	76 "	"	..	152	4 "	"	..	1 00
32nd Year ..	72 "	"	..	144	4 "	"	..	1 00
33rd Year ..	68 "	"	..	136	4 "	"	..	1 00
34th Year ..	64 "	"	..	128	4 "	"	..	1 00
35th Year ..	60 "	"	..	120	4 "	"	..	1 00
36th Year ..	56 "	"	..	112	4 "	"	..	1 00
37th Year ..	52 "	"	..	104	4 "	"	..	1 00
38th Year ..	48 "	"	..	96	4 "	"	..	1 00
39th Year ..	44 "	"	..	88	4 "	"	..	1 00
40th Year ..	40 "	"	..	80	4 "	"	..	1 00
41st Year ..	36 "	"	..	72	4 "	"	..	1 00
42nd Year ..	32 "	"	..	64	4 "	"	..	1 00
43rd Year ..	28 "	"	..	56	4 "	"	..	1 00
44th Year ..	24 "	"	..	48	4 "	"	..	1 00
45th Year ..	20 "	"	..	40	4 "	"	..	1 00
46th Year ..	16 "	"	..	32	4 "	"	..	1 00
47th Year ..	12 "	"	..	24	4 "	"	..	1 00
48th Year ..	8 "	"	..	16	4 "	"	..	1 00
49th Year ..	4 "	"	..	8	4 "	"	..	1 00
50th Year ..	—	"	..	—	4 "	"	..	1 00

RE, FOR THE ERECTION OF 10 HOUSES PER ACRE (40 HOUSES IN ALL).  
CULTURAL RENTS, AND INTEREST AT 4 PER CENT.

Receipts from Rent and Sales.	Receipts from Interest @ 4% on Accumulated Total Receipts calculated to two Decimal Points.	Accumulated Total Receipts at end of each year, calculated to two Decimal Points.
£1,592	—	£1,592·00
£1,584	(4% on £1,592·00) ..	£3,239·68
£1,576	(4% on £3,239·68) ..	£4,945·26
£1,568	(4% on £4,945·26) ..	£6,711·07
£1,560	(4% on £6,711·07) ..	£8,539·51
£1,552	(4% on £8,539·51) ..	£10,433·09
£1,544	(4% on £10,433·09) ..	£12,394·41
£1,536	(4% on £12,394·41) ..	£14,426·18
£1,528	(4% on £14,426·18) ..	£16,531·22
£1,520	(4% on £16,531·22) ..	£18,712·47
£1,512	(4% on £18,712·47) ..	£20,972·96
£1,504	(4% on £20,972·96) ..	£23,315·87
£1,496	(4% on £23,315·87) ..	£25,744·50
£1,488	(4% on £25,744·50) ..	£28,262·28
£1,480	(4% on £28,262·28) ..	£30,872·77
£1,472	(4% on £30,872·77) ..	£33,579·68
£1,464	(4% on £33,579·68) ..	£36,386·86
£1,456	(4% on £36,386·86) ..	£39,298·33
£1,448	(4% on £39,298·33) ..	£42,318·26
£1,440	(4% on £42,318·26) ..	£45,450·99
£1,432	(4% on £45,450·99) ..	£48,701·03
£1,424	(4% on £48,701·03) ..	£52,073·07
£1,416	(4% on £52,073·07) ..	£55,571·99
£1,408	(4% on £55,571·99) ..	£59,202·86
£1,400	(4% on £59,202·86) ..	£62,970·97
£1,392	(4% on £62,970·97) ..	£66,881·80
£1,384	(4% on £66,881·80) ..	£70,941·07
£1,376	(4% on £70,941·07) ..	£75,154·71
£1,368	(4% on £75,154·71) ..	£79,528·90
£1,360	(4% on £79,528·90) ..	£84,070·05
£1,352	(4% on £84,070·05) ..	£88,784·85
£1,344	(4% on £88,784·85) ..	£93,680·24
£1,336	(4% on £93,680·24) ..	£98,763·45
£1,328	(4% on £98,763·45) ..	£104,041·99
£1,320	(4% on £104,041·99) ..	£109,523·66
£1,312	(4% on £109,523·66) ..	£115,216·61
£1,304	(4% on £115,216·61) ..	£121,129·27
£1,296	(4% on £121,129·27) ..	£127,270·44
£1,288	(4% on £127,270·44) ..	£133,649·26
£1,280	(4% on £133,649·26) ..	£140,275·22
£1,272	(4% on £140,275·22) ..	£147,158·22
£1,264	(4% on £147,158·22) ..	£154,308·55
£1,256	(4% on £154,308·55) ..	£161,736·89
£1,248	(4% on £161,736·89) ..	£169,454·36
£1,240	(4% on £169,454·36) ..	£177,472·54
£1,232	(4% on £177,472·54) ..	£185,803·44
£1,224	(4% on £185,803·44) ..	£194,459·57
£1,216	(4% on £194,459·57) ..	£203,453·95
£1,208	(4% on £203,453·95) ..	£212,800·10
£1,200	(4% on £212,800·10) ..	£222,512·10

There is therefore a difference in total receipts of £44,750 in favour of the method set forth in Table II. But this does not represent all the facts of the case, for at the end of the period of 50 years—during which the policy illustrated in Table I. is in operation—the owner will still possess 150 acres of land and will have an income from land sales and rents of £1,098, £1,096, £1,094 per year—the sum diminishing as the land is gradually sold.

Against this, however, must be placed the fact that, as stated above, an additional sum of £44,750 has accumulated as a result of the adoption of the method illustrated in Table II., and as the interest on this sum at 4 per cent. is £1,790, the policy of Table II. is clearly the best from the financial point of view. In other words those landowners and land developers who have the good sense to welcome and encourage the new methods of development will gain and not lose by their adoption.

But it may be urged that the landowner who possesses a small area of land so ripe for use that in ten years it will all pass from agricultural to building use, will find but cold comfort in the Tables given above, for he can prove clearly that the old method is best for him.

The conclusive reply to this comes not from the advocate of Town Planning but from other landowners possessing land at a greater distance from the centre. They can prove with equal clearness that if his land is developed so intensively that it takes ten years to absorb the ten acres, then the period in which their land will pass from agricultural to building use is more remote than it would be under less intensive development. The measure of his gain is therefore the measure of the delay in the ripening of their land.

The recognition of this fact has led some surveyors to advocate an ingenious system of "pooling" by which large landowners, the development of whose estates will be quickened by the application of Town Planning conditions may soften the blow to the financial hopes of small owners by paying them some compensation for the failure to reach the revenues anticipated by them.

But whilst owners may agree to take such action amongst themselves, Local Authorities should not take part in any negotiations to secure this end.

The most that a Local Authority can do in this relation is to copy the example set by the Birmingham City Council in preparing the Quinton, Harborne, &c. scheme, viz. : to permit those owners who possess land almost immediately ripe for development, to adopt a standard more closely approximating to the old standard than they are prepared to permit in the case of land the ripening of which will not take place for some time. This end was secured by permitting 20 houses per acre to be built on some small pieces of land, whilst limiting the average number to twelve per acre over the rest of the undeveloped area. This is the only satisfactory solution from the point of view of a Local Authority.



It may further be pointed out that, except where estates already partly developed are concerned, the only safe line of action for the Local Authority to adopt is that of treating all the land of the district as if it belonged to one landowner.

How wrong it will be to give way to the demand of small owners for special treatment can be made clear by a simple illustration. Two industrial towns within twenty miles of each other are of a similar size and are growing at much the same rate. In and around the first of these towns all the land belongs to one great landowner, and assuming that the figures given in the preceding Tables are valid, it is in the interest of this landowner to adopt the new method of development. When the Council prepare their scheme, they need not hesitate at all in demanding good standards of development. In the second town there are from seventy to eighty small owners, and amongst these small owners are some whose land is almost ripe for building, and will, if the old methods are followed, be sold at £800 per acre.

Both of these towns are industrial, their rateable value is about the same, the wages earned by the workmen are the same, for they are engaged in the same industry, but surely the fact that in the second town the land belongs to small owners should not lead the Council of the town to adopt poor standards of development, whilst the Council of the other town, without hesitation, impose good standards of development.

A second criticism which may be raised to the figures given above, is that these cannot be regarded as satisfactory since the question of the cost of road and other estate charges—an integral part of the cost of development—has been placed aside, although the cost per developed site must rise when the number of houses per acre is limited to ten per acre—as against forty under the old methods.

This question of the cost of development—as distinct from the cost of land—has however not been overlooked. How necessary it is to consider it will be made clear in the following chapter.

But it will be of service to correct here a common blunder made by critics of the new methods of development, viz. : that of assuming that with the diminution of the number of houses per acre from 40 to 10, the cost of estate works per site will be quadrupled. These critics fail to realise that the giving of a greater site area to each house does not necessarily involve a proportionate increase in the cost of roads, drains, &c., for each site. It would involve such an increase if in the case of planning land with 10 houses to the acre as compared with 40 houses per acre, the frontage of each house was increased four times. But the frontage need not be increased in this way. It is possible that the additional land will be given in the form of deep gardens—the only increase in such a case being the greater cost of more lengthy side roads. But for reasons of health and amenity it is highly desirable

to increase the frontages of houses by a few feet and to set back the houses in gardens so as to secure that at least 60 feet shall divide house front from house front. The result of this increase of frontage must of course be to produce an increase in road length, and the greater set-back will involve an extra cost for drains and paths and fences. But the cost per site will not rise in a ratio equal to the decrease in the number of houses per acre.

Moreover, the unit cost of estate development may decrease, for there are many economies in road construction which will be rendered possible under Town Planning schemes. These economies may be secured, for example, by lessening the width of the streets and by the adoption of new and more economical plans of lay-out.

A third criticism is that many landowners who would be willing to develop their estates in accordance with the new methods, cannot do so because they lack the necessary capital, and also that as a result of the passing of certain measures relative to land taxation and valuation, land developers cannot obtain so readily the capital necessary to develop land.

But this cannot be regarded as a fair and just criticism of Town Planning methods. It is a criticism of legislation other than the Town Planning legislation of the Government which was in power from 1906 to 1910. It must, however, be recognised that whilst this criticism is not valid, the facts on which the criticism is based, viz.: the inability of the landowner to provide the capital to develop his land and the difficulty experienced by land developers in recent years in raising capital, are facts of vital importance, calling for most serious consideration.

#### THE PROBABLE ACCELERATION IN THE RATE OF DEVELOPMENT.

It will be noted that in neither of the Tables has any allowance been made for any acceleration in the rate of development under the better conditions of lay-out. Had allowance been made for this acceleration the financial superiority of the new methods of development could have been shewn to be even greater. It would have been quite in order to assume that such an acceleration would take place, for the history of those garden suburbs which have already been established shews in an unmistakeable way that more houses are built as a result of the attractiveness of the lay-out. It is true that to secure this acceleration in the development, the price of success must be paid by the application of skill and energy to the work of estate management, and that the measure in which these qualities are applied will be the measure of the greater revenue and profit obtained—but this is also true of every other department of commercial life.

It may be urged that if all landowners and land developers adopt the new methods there will be no acceleration in the rate of development. But a little consideration will shew that this criticism is faulty. Wherever population is growing, there will be a steady demand for new houses, and without making any effort at all to find purchasers or lessees, landowners and land developers will sell or lease their building plots when formed.

But quite apart from this demand—a demand due to the growth of population and the need for more houses to accommodate the increase in the number of families—there is a potential demand for better houses, due to the latent desire of those living in badly planned and inconvenient houses to improve their housing conditions, and if this desire can be satisfied at a reasonable cost, then the demand will become a powerful one. An interesting comparison may be made between the demand for the bicycle when the cost ranged from twelve to twenty guineas, and the great increase in demand when manufacturers devised means of placing on the market a good bicycle at a much lower price—the supply at a more moderate price at once brought into existence an enormous demand.

Similarly the effect of placing within the reach of working class families some of the best amenities of the villa in the shape of large gardens and agreeable surroundings at prices and rents which they can afford, will be to produce a demand of a most valuable kind, and the migration from old badly-planned areas will be enormously accelerated.





## CHAPTER V.

## THE COST OF LAND DEVELOPMENT UNDER TOWN PLANNING SCHEMES.

**I**N the preceding chapter the effect of Town Planning on the revenues and profits of land owners and land developers has been discussed, and in some measure the question as to whether it is possible under Town Planning schemes to provide sites for working class houses with the amenities which it is the purpose of Town Planning schemes to secure has been answered in the affirmative.

But it is essential that this question of the cost of providing houses for workmen on land which is made the subject of Town Planning schemes should be considered not only with regard to the cost of land, but also with regard to the cost of road construction and the cost of building construction.

In the present chapter it will be of service to consider separately the effect of Town Planning on the cost of roads and other estate works, leaving for the next chapter the consideration of the extent to which the cost of building construction will be affected by Town Planning schemes.

What then will be the effect of limiting the number of houses per acre, and of Town Planning work generally, on the cost of roads, sewers, and estate works for each building plot?

In other words, what will be the average cost of land development per building plot:—

- (a) when 40 houses are allowed per acre; and
- (b) when 10 houses are allowed per acre?

It will be clear upon consideration that the increase in the cost of road and estate works arising from the limitation of the number of houses per acre may be sub-divided as follows:—

- (1) Extra cost due to increase in frontages;
- (2) Extra cost due to increase in length of back streets or passages;
- (3) Extra cost due to additional "set-back" involving added expenditure on paths and drains in gardens;
- (4) Extra cost due to greater length of side streets;
- (5) Extra cost due to the provision of public and private open spaces;
- (6) Extra cost due to the construction of arterial roads.

## (1) EXTRA COST DUE TO INCREASE IN FRONTAGES.

It will be found on examination that in working class areas developed with forty houses per acre the frontages vary from 14 ft. to 18 ft., and that 15 ft. may be taken as an average frontage.

In developing working class areas on Town Planning lines the provision of more ample frontages is, however, rightly encouraged, more especially in order to render possible :—

- (a) the construction of cottages with rooms broad and not deep, so that the provision of light in the rooms may be ample ; and
- (b) the building of semi-detached houses wherever the extra cost of building in this way can be afforded by the tenant.

It will be well, therefore, to take 20 ft. as the actual building frontage required in estates developed with 10 houses per acre, and an average frontage of 25 ft. for each building plot throughout the road.

This, as compared with the 15 ft. frontage of the cottage built in a long row means an increase of 10 ft. frontage per cottage.

It will be found on reference to the Tables on pages 254 and 257 that whereas the costs of roads, sewers, &c., in Bye-law streets of 36 ft. and 40 ft. in width at Birmingham and Ruislip-Northwood range from £2 13s. 3d. to £2 19s. 3d. per yard frontage, streets of the new type can be constructed at prices per yard frontage substantially less than these.

The following comparisons may be made between the costs of street and sewer work in the Birmingham area under the old and new types of development :—

- (1) For a cottage with 15 ft. frontage built in a 36 ft. Bye-law street the cost will be £14 : 11s. : 3d. (viz. : £2 : 18s. : 3d. per yard frontage).
- (2) For a cottage with 25 ft. frontage built in a street as B 1, the cost will be £19 : 13s. : 9d. (viz. : £2 : 7s. : 3d. per yard frontage).
- (3) For a cottage with 25 ft. frontage built in a street as B 4, the cost will be £18 : 15s. : 0d. (viz. : £2 : 5s. : 0d. per yard frontage).
- (4) For a cottage with 25 ft. frontage built in a street as B 5, the cost will be £12 : 10s. : 0d. (viz. : £1 : 10s. : 0d. per yard frontage).

It is clear, therefore, that a sum of £5 will be sufficient to cover any extra cost of road-making due to the adoption of a 25 ft. frontage under the new methods of lay-out, and that given the adoption of types of side streets as B 5, the cost need not be greater than in the usual Bye-law street.







Example A (Road at Hampstead Garden Suburb), see page 369.



Example B (Road at Hendon), see page 369.

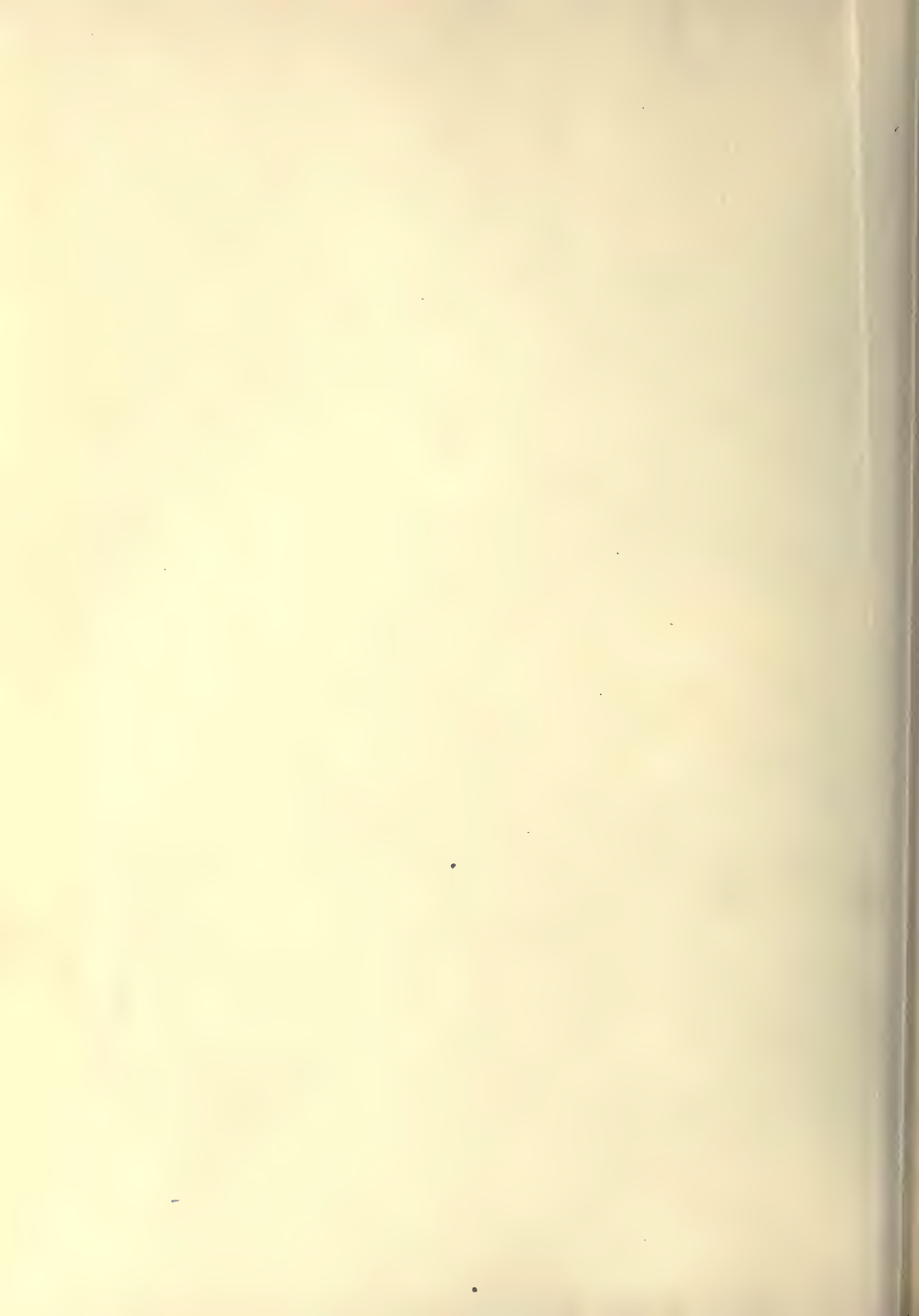


Example C (Liverpool Garden Suburb), see page 369.



Example D (Liverpool Garden Suburb), see page 369.





In the earlier controversies concerning the value of new types of roads—quadrangles, &c.—doubt was expressed as to their value in use, but happily, the fears then expressed so freely as to the dangers of relaxation are disappearing in the light of actual experience.

In this relation it will be of service to reproduce here (*vide* illustrations) pictures of two roads in the suburbs of London—one in the Hampstead Garden Suburb, and the other in the adjoining district of Hendon.

It will be seen at a glance that the cost of constructing the road shewn in example (*a*) is less than the cost of constructing the road shewn in (*b*).

In reply to the criticism that the grass verges shewn in (*a*) will be ultimately destroyed as a result of traffic it may be pointed out that whilst the grass does wear thin in some places (as shewn in the illustration) yet the result is much more pleasing than in the case of example (*b*), and that with the exercise of care the verges are not destroyed.

To the further objection that whilst the houses in example (*b*) are workmen's houses, those in (*a*) are not, it may be replied that the cottages on the left of the road shewn in (*a*) are in fact workmen's cottages, built and let by the Hampstead Co-partnership Tenants Limited to workmen.

But it may be urged that the type of road shewn in (*a*) will not be suitable for industrial districts in the North of England. Attention is therefore directed to illustrations (*c*) and (*d*). Both of these examples are taken from the Liverpool Garden Suburb, and although the methods adopted in regard to road construction and width do not shew substantial economies, yet the results are so pleasing that it is difficult to see how the most stalwart advocate of the 36 ft. Bye-law street standard can object to the adoption of these types.

## (2) EXTRA COST DUE TO INCREASE IN LENGTH OF BACK STREETS.

Coming next to the consideration of the extra cost due to the increase in length of the back street or passage, it should be clearly realised that where a district is equipped with the water carriage system for the disposal of faecal matter there is no need for any back street or passage at all. These back streets were essential to the sanitary equipment of a workman's house when the faecal matter had to be removed from dry closets by night carts, but in these days the only refuse which has to be removed is that which accumulates in the ash bin, and to continue to build back streets and passages now that the need for them has passed away is to waste private money in construction, and public money in maintenance.

The method adopted throughout the Midlands of England of constructing archways of 3 ft. or 3 ft. 6 in. in width carried up to the height of the ground floor, and with bedrooms built over, is an excellent one, and should be adopted wherever houses are built in blocks of more than two under Town Planning schemes.

Ascertained figures shew that the cost of sewerage and paving in a Lancashire back street—apart from the back wall, which is generally regarded as desirable—is 24s. a yard, or 8s. a foot—and this with a 15 ft. width of building plot involves an expenditure of £6. Under Town Planning schemes this can be saved, but it may be objected that this economy is not due to Town Planning, for it has been and can be secured under the old method of development. In those cases, however, where the bye-laws require that back streets shall be provided, Local Authorities should insert in their Town Planning schemes special provisions permitting the passage form of access described above to be adopted and this valuable economy to be secured.

### (3) EXTRA COST DUE TO THE SETTING BACK OF COTTAGES.

In order to give greater amenity to houses built under Town Planning schemes Local Authorities will find it desirable to fix building lines and secure that whilst the public carriageways and footways are made of less width, at least 60 feet of space is given between building line and building line on opposite sides of the street. The setting back of cottages which this will involve, means, however, an extra expenditure on paths, drains, and fences, and, in estimating the cost due to the adoption of new methods of planning, provision must be made for this additional expenditure.

It is estimated that £3 will cover this expenditure, provided that the temptation to build garden walls with stone pillars and expensive gates is resisted.

The possible value of the amenity which accompanies this setting back of cottages can be seen from the accompanying illustration (page 371) of a garden in the Hampstead Garden Suburb.

### (4) EXTRA COST DUE TO INCREASED LENGTH OF SIDE STREETS.

It is difficult to see why any extra cost should be incurred in regard to side streets under Town Planning schemes. That there would be an appreciable increase if the more ample space were given in the form of deep plots is clear, but allowance has already been made for added expenditure on street construction due to the giving of wider frontages. Moreover, it is now generally recognised that when land is properly planned and questions of access are carefully considered, the need for constructing cross streets at close intervals will disappear.

It is true that many bye-laws require the provision of cross streets at close intervals. These bye-laws serve the purpose of securing a break in the line of the houses, but at the best it is a clumsy method of dealing with the problem, and will disappear from the regulations governing the new types of town development.





Cottage in Hampstead Garden Suburb, shewing the amenity value arising from the set back of the cottage.



(5) EXTRA COST OF ROAD CONSTRUCTION DUE TO THE PROVISION OF OPEN SPACES.

The extra expenditure on (5) requires careful consideration, for under a Town Planning scheme a great desire will be shewn to utilise small pieces of land for the purpose of recreation grounds and small gardens. This will mean that unless methods of distributing the cost are devised or economies in road construction are made, the houses facing these gardens will have to bear the cost of the full road width, since there will be no houses opposite with which to divide the cost.

In considering this subject it must be recognised that the tenants of the houses overlooking such gardens have an added amenity given to their houses, and the extra cost of road construction involved should find expression in added rents just as the rents of other houses overlooking small parks are higher. But there should be no need to construct footways actually bordering such small recreation grounds except in cases where the pedestrian traffic is very great.

When these gardens or recreation grounds are constructed on back land the difficulty will not arise.

(6) EXTRA COST DUE TO MAIN ARTERIAL ROAD SCHEMES.

That in the near future provision must be made on a national or county scale for main arterial roads is quite clear. It should be equally clear that except in cases where the greater part of the service rendered by these roads is rendered to the tenants of buildings bordering on or adjacent to these roads, the cost of construction and maintenance should be a national or a county charge.

To place upon a suburban district with a small municipal area and a low rateable value, the responsibility for the construction of a section of a great motor highway—along which high-powered cars will travel at the maximum speed permitted by the law—will be clearly inequitable. The analogy between a road and a railway track is not quite exact, but whilst admitting that it is strained a little, it would seem that just as the cost of the construction and maintenance of a section of the railway track between London and Manchester falls on the revenues from the whole line, so the cost of construction and maintenance of great national arterial roads should fall on the whole nation or the whole county.

That this view is a just one may be made clear by taking a definite example. On the borders of London a small Local Authority is at present engaged in the preparation of a Town Planning scheme. This Local Authority is being urged by the Traffic Department of the Board of Trade to include in their Town Planning scheme an arterial road which when constructed will greatly relieve the traffic on another road which is outside their district. Ninety-five per cent. of the traffic is through traffic, and but for this through traffic the road would not be needed.



It is clear that when the road is constructed the character of the traffic will be such that the residents along the road will not benefit. It will, therefore, be unjust to charge on the local ratepayers the cost of this arterial road construction. The district will lose rather than gain in amenity by the coming of this traffic, and it is therefore unjust that the Local Authority should bear the cost of construction out of the rates. The most that can be fairly demanded from the landowner and land developer is that they should give the full width of land needed, and should bear the cost of road construction up to a certain amount—leaving the extra cost to be provided out of national or county funds.

It will now be of service to express in definite terms of estimated expenditure the extra cost of road construction involved when the new methods of lay-out are adopted.

#### A SUMMARY OF EXTRA COST.

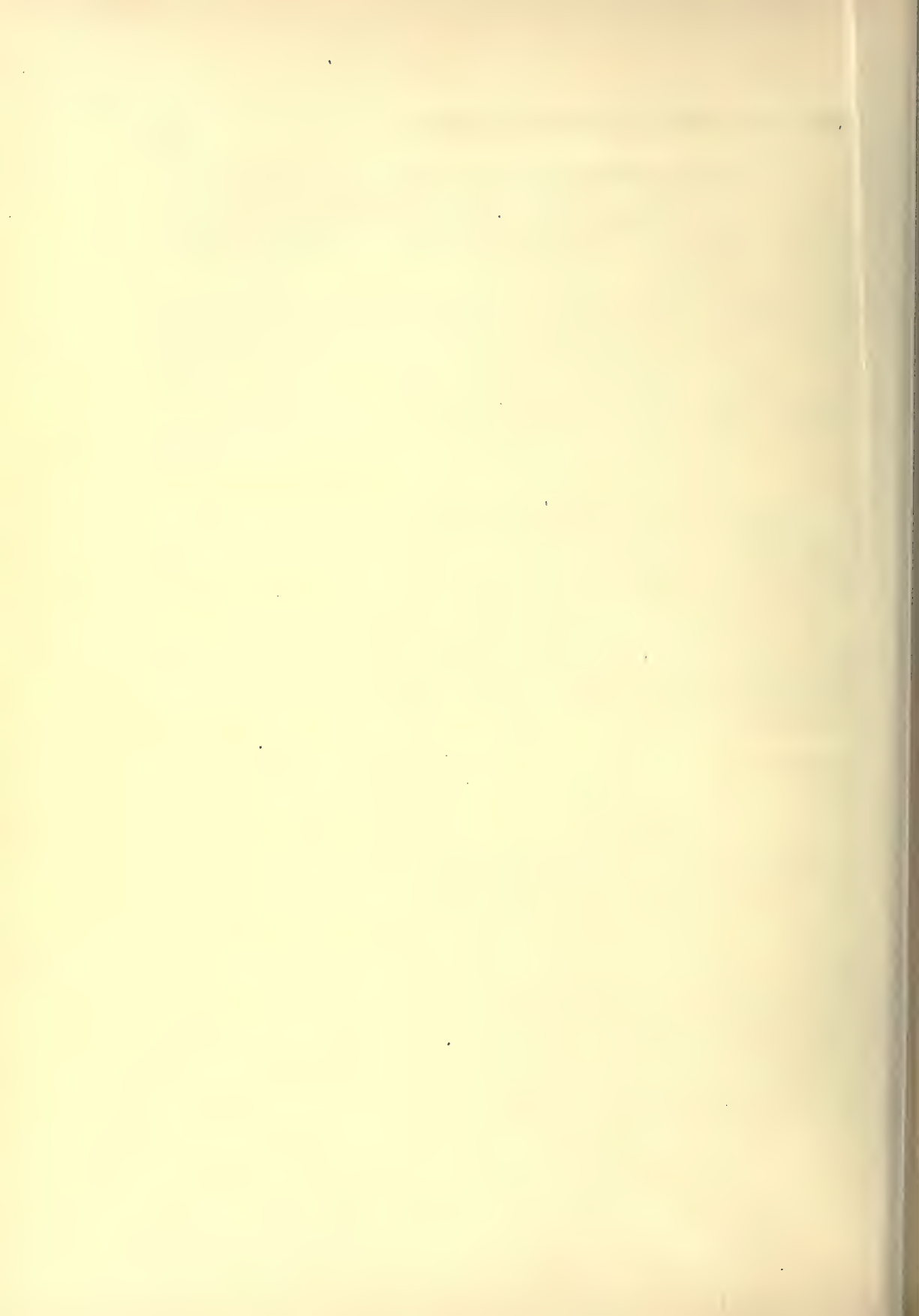
- (1) An additional expenditure will be incurred in regard to street and sewer works due to the increase of frontage from 15 ft. to 25 ft. This extra cost will vary with the relaxations as to width, &c. permitted, but the sum of £5 will be adequate to cover the increased cost. Given wise relaxations there need hardly be any increase at all ;
- (2) Back streets and passages should disappear under Town Planning schemes, and so far from extra cost being incurred on this account some valuable economies can be secured in those areas in which bye-laws still require the provision of these back streets and passages ;
- (3) When houses are set back 20 feet from the footway an extra cost of about £3 per house will be incurred in the construction of paths, drains, and fences ;
- (4) As provision has already been made for greater expenditure on frontage cost, and as under Town Planning schemes the planning of side roads will be dealt with scientifically and not in the present wasteful fashion, no extra cost need be allowed for extra expenditure on side roads ;
- (5) The expenditure on road construction due to the more ample provision of open spaces is an expenditure which can only be determined when an actual scheme is under consideration. If conditions of rigid economy must be observed, then the residents must depend for amenity on their own large gardens, and if Town Planning brings only this amenity to them it will have rendered an incalculable service—quite apart from that to be obtained by the provision of other forms of open space. In comparing, therefore, the cost of development under

new methods with the cost of development under old methods, it will not be fair to add any estimate for additional cost on this score, for, however desirable these additional open spaces may be, their cost is a cost over and above that which is necessary to secure a large measure of amenity ;

- (6) For a similar reason the cost of constructing main arterial roads cannot fairly be added to the cost of developing cottage sites. The need for constructing arterial roads is for the greater part a traffic need and not a housing need. Moreover, whilst the preparation of Town Planning schemes provides the most economical method of securing these main arterial roads, they must be provided in any case, and the cost will be incurred whether Town Planning schemes are prepared or not.

The items of extra cost are therefore two, viz., the extra cost due to the increase in the frontages of cottages and the extra cost due to the set-back of these from the footway. These items together represent an extra cost of £8, viz., £5 for extra road and sewer cost, and £3 for extra paths, drains, and fences.

But where the Bye-laws provide for expensive back streets and for the construction of cross roads at frequent intervals, then the preparation of a Town Planning scheme gives Local Authorities power, by suspending these conditions for the areas included in the scheme, to enable land developers to save a sum nearly equal to this amount of £8.





## CHAPTER VI.

## THE COST OF COTTAGE BUILDING UNDER TOWN PLANNING SCHEMES.

IN dealing with the cost of cottage building under Town Planning Schemes it is essential that confusion of thought should be avoided and the question realised to be one not of the general cost of building cottages, but of the difference, if any, in the cost of building cottages under Town Planning Schemes as compared with the cost of building cottages under the old methods of land development. When stated in these terms the problem will be recognised to be a simple one.

In other words, it is a question as to whether there will be an increase in the cost of houses of similar cubical content when built in a different way.

To what extent then will it be necessary to increase the expenditure on building when the new methods of lay-out are adopted ?

A little consideration will make it clear that expenditure on cottage building may be affected as a result of Town Planning Schemes :

- (a) by the breaking up of long lines of buildings and the substitution of pairs of cottages, or blocks of four, six and eight cottages grouped together ;
- (b) by the increase of the frontages so as to enable rooms to be built broad and not deep—thus giving ample room for sunlight to reach every part of every room.

In regard to (a) it is already evident that the building of houses in long unbroken rows will not be permitted under Town Planning schemes, and that the number of houses grouped together without a break in the building line will be small. For example under the Quinton, Harborne, &c. scheme the maximum number permitted to be built in a continuous line is eight.

It will now be of service to estimate what the increase in cost as a result of this breaking up of the long row is likely to be.

It will be found on reference to Chapter VII. that Councillor Harold Shawcross in his Report on the "Cost of Development" gives the ascertained priced cost of building semi-detached houses—compared with the cost of building twelve houses in a row—as £13 more per house.

But this is the extra cost of building houses in pairs, as compared with the cost of building in blocks of twelve, and whilst this form of housing has great attractions, yet it represents a complete transition from the house in a long row to what is practically a villa cottage. For some years to come, more especially in view of the need for keeping down the cost of building construction, those engaged in the development of estates may prefer to build in blocks of four, six and eight houses, in which case the extra cost will be, as compared with the cost of a row of 20 houses built without a break, from £5 to £10 per house.

In regard to (b) there can be no doubt that under Town Planning schemes not only will the frontage space of cottage sites be increased, but the actual building frontage will be increased.

The effect of thus widening the frontage may affect the cost in two ways :

- (1) by the increase in the length of roads to be made ; and
- (2) by the increase in the cost of the brickwork.

The first of these has been dealt with in the preceding chapter on the cost of land development under Town Planning schemes and need not therefore be considered here.

In regard to (2) it may be pointed out the cost of the brickwork need not be greater as a result of the wider frontage, always provided that :—

- (a) the cubical content of the houses in both cases is the same ; and
- (b) that projections from the main building are avoided ;

The old type of suburban cottage with a 15 ft. frontage is really a wasteful form of building, for it is narrow and deep. It usually has a 15 ft. frontage and a depth of 24 ft. to allow of two rooms each 12 ft. deep. In addition to this a costly projection for a scullery adds to the cost of the brickwork.

The cottage with a 20 ft. frontage need not be so deep, and the shape of the house may therefore more nearly approach the perfect square—the form which gives the maximum cubical content with the minimum of brickwork.

It would appear, therefore, that the only item of additional building cost in cottages built on areas developed under Town Planning schemes is one of from £5 to £10 due to the breaking up of the long rows into blocks of from 2 to 8 houses.

It may however be urged that when new types of houses are being built in garden suburbs the desire of the builder to increase the amenity of the houses he builds and the desire of the tenant to secure a more elaborate design will materially increase the cost.

But this increase of cost should not be regarded as arising from the adoption of new methods of planning, although it may accompany them, and it will be well for those engaged in garden suburb development, whilst striving to improve the design and general type of houses, to realise that they have also to solve the problem of housing the workman earning a limited wage.

It has been already stated that the figures given above are for houses constructed under the usual bye-laws. But there is no reason why the cost of building should not be lessened in many cases. Where, for example, the present building bye-laws require rooms to be at least 9 ft. in height, builders might be permitted to construct rooms 8 ft. in height, and if the rooms on both the ground and upper floors are lessened in height by 1 ft., there will be a reduction of £6.

In Scotland, especially, there is great room for economy in the cost of construction. It is true that climatic conditions require that walls should be thicker in Scotland, but it is not wise that regulations intended to control the building of tenements should be copied in the framing of bye-laws relating to cottage building.





## CHAPTER VII.

THE POSSIBILITIES OF PROVIDING COTTAGES FOR WORKMEN  
UNDER TOWN PLANNING SCHEMES.

**W**ITH the aid of the figures given in the three preceding chapters it is now possible to give an answer to the question as to whether it is possible to provide houses for workmen under Town Planning schemes.

What then is the extra cost involved by the adoption of the new standard of ten houses per acre on land developed in accordance with Town Planning schemes, as contrasted with the old standard of forty houses per acre on land developed with 36 ft. streets under the old methods of lay-out ?

- (1) In Chapter IV. it has been found that the average price for land paid in garden suburb schemes, viz. : £300 per acre—is one which it is in the interest of the landowner and the land developer to accept. It has also been found that the price of the plot of land under the new conditions is £10 more than under the old conditions.
- (2) In Chapter V. the extra expenditure on roads, sewers, paths and drains due to the adoption of the new methods has been ascertained to be about £8, but that this addition to the cost can be reduced to zero where Bye-laws require the provision of back streets and passages, and where in the framing of Town Planning schemes these Bye-laws are superseded.
- (3) In Chapter VI. the extra cost of building construction under Town Planning schemes due (a) to the breaking up of long rows of cottages and the adoption of the system of building blocks of four, six and eight cottages grouped together, and (b) to building houses broad and not deep in order to give greater light and air in rooms, has been ascertained to be from £5 to £10 per cottage.

Taken together these make a total of from £23 to £28 per cottage.

Before working out the additional annual and weekly rents which must be charged as a result of this increase in capital cost of land, roads and building, it will be well to emphasize the fact that the resultant cottage as compared with the old type of cottage

(a) has four times as much garden land ;

(b) has an average frontage of 25 ft. and a building frontage of 20 ft. instead of an average frontage of 15 ft. ;

(c) is constructed so that every room is well lighted and healthy, and is in the best sense of the words a healthy home for a workman and his family.

The estimates given above are conservative and in taking the net total £23 to £28, it should be clearly borne in mind that the total extra cost need not be so great as this if substantial relaxations in standards as to road width, building construction, height of rooms, &c., are made.

But it will be better in considering this subject to base all calculations on conservative estimates.

What, then, will this extra cost of from £23 to £28 mean to tenants of cottages in annual and weekly rents.

In reply it may be pointed out that taking a period of 40 years for the repayment of capital and interest on the annuity system, and the rate of interest as 4 per cent., an annual sum of £5 ls. 0½d. must be paid per £100.

Expressed in terms of weekly rent this means a payment of 6½d. to 7d. per week.

For purposes of clearness the question of rates has so far not been brought into consideration in dealing with these figures. It is however necessary to bear in mind the fact that under the present system of rating every increase in house cost is, or may be, accompanied by an increase in the cost of rates.

This point has been clearly stated in the report, quoted in the next chapter, by Councillor Harold Shawcross, as follows :

"As a result of our present system of charging rates upon house rents it is necessary in order to get at the total cost of land and development that an addition should be made to the charges.

"Rates vary in different districts, but an average amount will be found to be 8s. in the £ on the net rateable value, and a charge for water of 7½ per cent. on the gross rateable value. If these two items are taken a calculation will shew that the landlord who pays the rates and includes them in his rent must add 40 per cent. to his other charges to cover their cost."

With this 40 per cent. added the extra cost will be 9½d. to 10d. per week per cottage, as a result of the adoption of the new method of development.

But will the workman be able or willing to pay this extra rent of 10d. per week for cottages built in accordance with the new methods ?



In reply it is necessary to distinguish clearly between the poorly paid labourer and the relatively well paid skilled artisan.

The housing problem of these two classes differs in one vital respect. Members of the skilled artisan class are willing in an increasing degree to pay in rent a sum sufficient to secure a comfortable cottage in a well planned area, but the members of the poorly paid labouring class in many cases cannot afford to pay the rent for a self-contained modern cottage, and even when they can afford to pay such a rent they are reluctant to do so.

There has been so much misunderstanding of this problem that it will be of service to point out that in so far as the housing problem of the poorer labourer is one of low wages it can only be solved by raising these wages or by letting houses at less than economic rents. Members of Local Authorities who are keenly anxious to improve the conditions of the poorest sometimes express profound disappointment that the preparation of a Town Planning Scheme cannot be used, in some subtle way, to render possible the removal of the families of labourers from worn-out houses or parts of houses, let at rents of from 3s. to 4s. 6d. per week in the older quarters of towns, to newly-built six-roomed cottages with baths in well-planned garden suburbs. But a little reflection will shew that it is not fair to take such a view of the possibilities of Town Planning action. No progress will be made towards the solution of the housing problem of the poorest labourer until it is realised that it is a problem both of low wages and of the failure on the part of the labourer to realise the need for spending a larger proportion of his wages on better housing accommodation.

It is not possible to deal with this question here, for it opens up the whole problem of housing the poorest labourer, but it should be clearly realised that unless wage conditions are improved, or unless Local Authorities take steps to bridge over the period of transition by letting cottages at a loss in the case of the poorest families, this problem will continue to perplex housing reformers. The preparation of Town Planning schemes will not produce a solution, and it is futile to hope that they may do so.

In one way, however, the increase in the supply of better houses on garden suburb lines will be of service to the poorer labourer. The migration of the skilled artisan to these houses will render available a large number of houses of the older type at reasonable rents, and these can then be tenanted by the labourers migrating from the poorest parts of the city or town.

For several reasons this method of gradually raising the standard should be welcomed. The tenant of a two or three roomed home in the old part of a town has not the means to pay the rent, or the furniture necessary for the proper equipment, of a garden suburb cottage. But in the course of a few years, given the possibility of taking the process in stages, it should be possible to raise wages and so develop the standards of the labourer and his family as to secure that they shall become tenants of good suburban cottages.

### CAN THE SKILLED WORKMAN AFFORD TO PAY THE RENT OF A HOUSE IN A GARDEN SUBURB ?

That the skilled workman can afford to pay the rent of a house in a garden suburb when the estate is laid out on economical lines is beyond question. It may mean that the proportion of his income spent in rent will be greater than in the case of the middle class man, but when a good home has been secured he will realise that it means so much to him in the building up of the happiness of his family that even when the expenditure involves some measure of sacrifice the gain will be so enormous as to fully justify it.

But the best answer to the question is that, given opportunities to secure better conditions, the skilled workman eagerly avails himself of them. The history of every garden suburb scheme is the same. First a reluctance to migrate to the new area—a reluctance due to the newness of the experiment—then a “breaking of the ice” and the creation of a steady demand for the houses, and finally a demand which is far in excess of the supply.

How the problem presents itself to a typical Lancashire workman can be seen from the following extracts from a Report prepared by Mr. Whiteley—a workman who is the Secretary of the Manchester Tenants Limited :—

“ In the past building arrangements have been allowed to continue which have given a large number of houses per acre and no portion for playing grounds for children and recreative facilities for adults. The tenants under such a scheme as adopted by the Manchester Tenants have these facilities provided for them. The advantages secured to tenants in consequence of the adoption of the Housing and Town Planning Act are mainly from the health point of view.

“ ‘ Dr. Fresh Air ’ is the great modern physician. Drugs, tonics, powders, are but poor substitutes for the rejuvenating draughts which ‘ Dr. Fresh Air ’ brings along. He practices unobserved and with the greatest success in these Garden Villages. From the point of health such a spot in which one may rest and recuperate, is an absolute necessity to the town or city toiler. He only gets it there. That he or she does is simply demonstrated by experience, only one of which need be quoted by way of illustration. One who is now a confirmed believer in the efficacy of Garden Village life, formerly used to expend £15 a year on doctors’ bills. And the expenditure of fifteen sovereigns did not ensure good health under the conditions which prevail in towns. He came to a Garden Village. ‘ Dr. Fresh Air ’ quietly, yet effectively, got to work, and the medical profession is now the loser of the £15 per annum. A short time under ‘ Dr. Fresh Air ’’ treatment makes the weak become strong, physical training follows as a natural course, games are indulged in with a zest which surprises the formerly jaded town dweller, gardening and other forms of recreation, both pleasurable and profitable, become possible, and in short the citizen of the Garden Village gets as near back to the happy state of existence as nature intended he should exist under, and still can daily follow his routine work in the city.

“ This is what is being experienced by the residents of the Burnage Garden Village. There they have all the advantages of rural life conjoined with the useful features comprised in the experience of larger communities. Games of all sorts are available at home. There



is no lack of tennis, bowls, and other pastimes. And in addition the rates are saved, for who has yet heard of the population of a Garden Village going to a Council (City, Borough, or Urban), and asking for a public park? They have it for themselves in these happy Garden Villages. Then they have their gardens, and from these can be gathered the fresh vegetables that add a fresh charm to a meal, and the house can be decorated with newly-culled flowers, and each lad and lass can pluck a nosegay at will. To many these advantages are something to be reckoned with, especially to those who hitherto have seen little else but dreary bricks and mortar and a little unfertile patch that facetiously is called a garden.

"A medical authority once said that one of the greatest dangers in town or city life was more or less hygienic. A careless and untidy householder who keeps his or her house in a dirty and unventilated state, said this medical authority, was doing his or her utmost to prove successful as a propagator of disease germs. As soon as a door was opened the germs floated invisibly out and rested all round. As a result there was a grave danger of some sort of epidemic breaking out and perchance scores of people affected. In congested rooms of houses this is ever a grave danger. Not so in the Garden Village. Air and sun are the greatest germicides. They have free play in the homes of happy Garden Villagers and the result is beneficial. Epidemics are comparatively unknown. At least that is the pleasant experience at Burnage.

" 'Health means long life,' so it is proving at Burnage. The race at Burnage is not decaying as it is in other parts. The birth-rate would please even such an authority as ex-President Roosevelt. It averages 26 per 1,000, and infant and child mortality is quite an unmeasurable quantity. To be accurate—there has not been a death of a child in the village since the scheme was established four years ago. That is a fact of which Burnage must be proud, and in it is found perhaps a solution to the terrible infantile mortality, which lies over our Nation like a black plague—rear your children in healthy Garden Villages."

It may be said that this writer is an enthusiast. The fact remains, however, that he is speaking as a workman and that the arguments he uses are exercising a powerful influence on his fellow workmen.

The idea that the skilled workman of to-day is willing to accept the same standards of housing as those of his father and grandfather is an erroneous idea. The schoolmaster has been at work for more than half a century, and many workmen to-day desire keenly to secure higher standards of life.

This has been admirably stated in the valuable book on Town Planning by Mr. George Cadbury, jun., already referred to:—

"The great stirrings of social unrest, which are such a striking manifestation in these days, are not controlled by considerations of finance only. The demand is not for a higher wage merely. In essence the demand is for a better way of life, for fuller opportunities, for the chance of self-expression in ways hitherto denied. Men ask for houses fit to live in—with gardens they can cultivate, and air they can enjoy. They ask for a share in the good things of this life, in the things which elevate and inspire, and sooner or later that demand will be irresistible."



### THE REPORT OF THE SECRETARY OF THE BOURNVILLE VILLAGE TRUST.

Before closing this chapter reference should be made to the valuable Reports prepared by the Secretary of the Bournville Village Trust, Mr. John H. Barlow, and by Councillor Harold Shawcross, and with their kind permission the following extracts from their reports are given below :—

Writing in 1913, Mr. Barlow said :—

" It is urged that Open, or Garden City, development is synonymous with costly development, that it will render impossible the erection of small low rented houses, and will end by creating so-called working class areas where none but the most highly paid workmen can afford to live.

" Other objections, too, are sometimes heard. For example, it is said :—

That the method involves housing a man at a distance from his work, thereby placing him at a disadvantage.

That many families are wholly unsuited to the conditions of a garden suburb.

That as a rule men do not want gardens, and would not cultivate them if they had them.

" Before attempting to deal with the important economic question first stated, a word may perhaps be given to the three points just named.

" With regard to the first of them, it should be noted that the movement to the suburbs is already in progress. In London it has long been a truism that the outskirts are growing at the expense of the centre. The same holds good of most large towns. Thus it was recently stated in a Birmingham paper that while there is something like a house famine in the outer belt, ' house property in the more central districts is at a discount. Slumland is not nearly so congested as formerly.' The movement to the suburbs then already exists, the question to be decided is—What kind of suburbs shall be provided for the people to move to?

" Passing to the second point, its truth may be freely admitted without creating any valid objection to open development. It is unfortunately true that some families would ruin any property in which they were housed. It is equally true that immense numbers of respectable families are at present housed under most unsatisfactory conditions, that they would eagerly respond if given an opportunity to remove to better surroundings, and would treat the property in a way to prove themselves worthy of the opportunity.

" The third point may be treated with equal brevity. It is true some people do not want gardens. For such there will be no lack of gardenless houses for many years to come. The number, however, who desire gardens is much larger than is often supposed. They not only want them but they cultivate them successfully when they get them. Many of the most enthusiastic amateur gardeners in Bournville knew nothing of gardening before coming to the village, but with the opportunity the aptitude quickly developed.

" It now remains to consider the economic problem stated earlier, viz., how far open development is consistent with the provision of cheap houses for workmen. First of all, take the cost of development. As Mr. Raymond Unwin says : ' To most people, whether they are interested in the land as owners or builders, or are disinterested inquirers, it seems at first sight so obvious that the more houses you put upon each acre of land the more economical is the use made of the land, and the less will each person have to pay for it, that few have really troubled to test the matter.' That this widely accepted proposition must be challenged Mr. Unwin proceeds to show, and he makes it abundantly clear that as held it is very far indeed from being correct. Let us look at some of the factors that are

often lost sight of. Take, for example, a point dealt with by Mr. E. M. Gibbs, in a report communicated to the National Housing and Town Planning Council. He says, 'An Estate limited to twenty houses per acre will have plots of land double the size of those on an estate with forty houses per acre; and assuming the same demand for houses, it will be leased and built upon in half the time. An estate limited to ten houses per acre will have plots four times the size of an estate with forty houses per acre, and will be developed in one quarter the time. The result will be that the owner can avoid the waste of one-half or of three-quarters of the compound interest on the present value of the estate and on the expenditure on road construction; and in consequence he can afford to grant leases at proportionately lower prices per yard.' This proposition Mr. Gibbs proceeds to establish by a series of comparative statements, and sums up his paper with the words, 'From the above considerations, I conclude that the limitation of number of houses to the acre will enable the occupier to have a larger plot of land with more open and healthy surroundings, at comparatively little extra cost: and that the owner will not suffer consequent loss except in estates of small size, or under exceptional conditions.'

"A second consideration suggested by the foregoing relates also to the cost of the increased area of land required for open as compared with close development. If the increased area were all charged at the same price as the less area required for close building, the result, while doubtless very satisfactory to the land owner, would be less so for the builder. Would this, however, be the case? I quote again from Mr. Unwin: 'There seems no reason why the land should be sold at the same price, no justification for the Garden City method of development conferring this enormous increased increment value upon the owner. We have seen that increment is due to the increased value of the land for building purposes, and it would seem more natural that it should be estimated rather in relation to the amount of building than in relation to the size of the garden attached to the building, and it is obvious that the owner of the land could afford, without loss to himself, to estimate his increment at so much per house instead of so much per acre, and where larger gardens are provided, let or sell the land at a reduced rate sufficient to recoup him first for the loss of agricultural land, secondly, for the amount of increment due per house.' Illustrations are given of how this would work, and Mr. Unwin concludes, 'that there is no economic difficulty in providing for the development of land on Garden City principles, but that for practically the same cost it is possible, if the owners of land will accept the same total return in increment, to give every house a garden, which, even from the point of view of the value of its produce will be worth vastly more than the 1d. or 2d. per week that it may sometimes cost.'

"The last sentence introduces a further point in the discussion, viz., the value of the garden. I do not now speak of its value for health or recreative purposes, or of its educative effect on the character and in quickening the æsthetic sensibilities. These influences are profound and indisputable. I refer to the economic value of a garden in providing fruit and vegetables for the tenant. Tests made at Bournville indicate that the net value of the average yield per garden per week throughout the year is 2s. The yield of apples alone is surprising. From 201 reports received the total weight amounts to 26,539 lbs., or an average of 132 lbs. weight per garden. If there were nothing else in the gardens this would be an appreciable asset to the tenant, and, while anxious not to press the matter too far, it may be fairly claimed that the garden ought to be worth considerably more than any additional rent charge it may involve.

"One other point remains to be mentioned, that of the saving in the cost of road construction which is possible under Town Planning conditions. Before the passing of the Housing and Town Planning Act, 1909, there was very little elasticity in the bye-law requirements for the construction of roads, and it will be readily allowed that this led to the needless



expenditure of large sums of money. Under the Act, as everyone knows, this is provided against, and it will be possible to regulate the construction of the roads, and the consequent expenditure upon them, in accordance with the traffic they will have to carry. Further, with close development there is a considerable and unavoidable loss of frontage at the numerous street junctions, which is largely avoided by open building.

"As a matter of fact, with land costing £150 per acre, twenty houses per acre can be reduced to twelve for an increase in ground rent of less than one penny per house per week.

"From what has been said it is fairly clear that the current idea as to the excessive cost of open development is subject to very important qualifications. It is not suggested that all the considerations named are in active operation at present, or that their force will make itself felt immediately. It takes time to adjust practice to new conditions, and it is probable that difficulty will be experienced during the transition period. But these forces cannot be neglected and will gradually and inevitably bring about a readjustment in the interests of good housing and Town Planning. That this may even be a fairly rapid process seems probable when it is remembered that it is less profitable now than formerly to keep undeveloped land out of the market. Further, it must be plainly recognised, that, whatever may have been done in the past, the time has come when the public conscience demands that the old abuse of overcrowded sites must cease, and must be replaced by a better system, no matter what the cost may be.

"The next aspect of the subject is the character and cost of the houses. At Bournville, which has the honour and the disadvantage of being a pioneer in providing Garden City conditions for working men, many types of houses have been tried. Among housing reformers there is a prevalent opinion that to provide a small cottage with a parlour is to waste space. It is pointed out that the parlour is used only on Sundays, and not always then. It is called a museum, a receptacle for ugly ornaments, and many other hard things are said of it. A great deal of this cannot be denied, but after all a man, and this is specially true of his wife, prefers to live in the kind of house which he likes, not in the kind which someone else tells him he ought to like. Now, rightly or wrongly, there is a demand for a parlour, and this has been recognised in houses built at Bournville.

"Again, it has been urged that cooking ought to be done in some other than the living room—say, in a scullery, the living room being fitted with only a parlour grate. This admirable theory, however, makes shipwreck on the impossibility of keeping two fires going, one to warm the living room, the other for cooking in the scullery. Indeed, in one case, probably not an isolated one, the family, a large one by the way, lived in the small scullery, leaving the spacious front room unoccupied except on state occasions.

"The following are some of the types of houses in Bournville. The smallest are one storey cottages containing living room, scullery, one bedroom, and the usual conveniences. These are let to single women, or to old age pension couples, and are in great demand. It has also been thought desirable to build a certain proportion of cottages with two bedrooms. There are always some families for whom such accommodation is all that is needed, and if care is exercised to prevent the cottages being occupied by more than the recognised number no abuse arises. For the ordinary family house, however, a minimum of three bedrooms is most desirable. In Bournville the most popular house of this type contains living room, scullery, with cabinet or table bath, small parlour, three bedrooms, and of course the usual conveniences. Larger houses with bath rooms are also available. In giving these particulars it is not forgotten that custom varies, and that different districts have different preferences in regard to house accommodation. Such preferences must of course be recognised, and the above instances are given with this reservation in mind.



PLAN No. 1.		BOURNVILLE COTTAGES.	
Living Room ..	..	13 ft. by 12 ft. 6 in.	
Scullery ..	..	9 ft. by 7 ft., with cabinet bath, sink and furnace.	
First Bedroom ..	..	13 ft. by 12 ft. 6 in., with linen cupboard.	
Second Bedroom ..	..	16 ft. 2½ in. by 7 ft.	
Cost, £171.		W.C. and Coal Shed.	

PLAN No. 2.			
Parlour ..	..	12 ft. by 9 ft. 9 in.	
Living Room ..	..	12 ft. 6 in. by 12 ft., with cabinet bath.	
Scullery ..	..	6 ft. by 4 ft. 7½ in., with sink and furnace.	
First Bedroom ..	..	12 ft. 10½ in. by 12 ft.	
Second Bedroom ..	..	12 ft. by 10 ft. 4½ in.	
Third Bedroom ..	..	9 ft. 4½ in. by 7 ft.	
Cost, £220.		Larder, Coal Shed, W.C.	

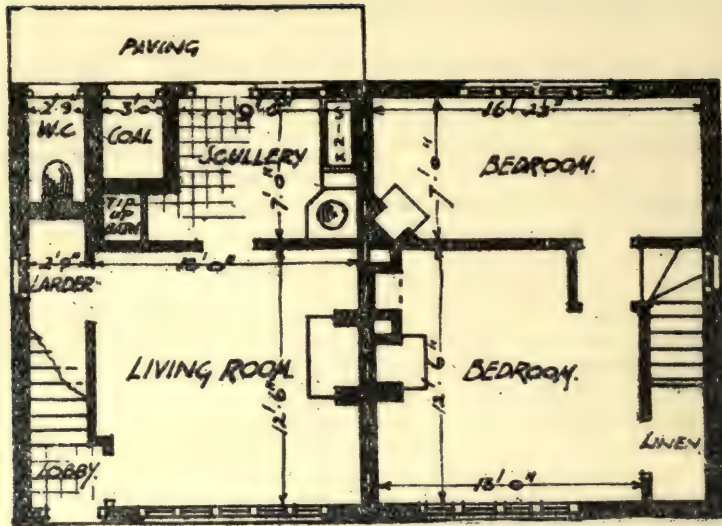
" These figures include cost of gates and hedges, but not cost of laying out gardens. A small outlay in respect of this will be well repaid.

" It now remains to consider at what rent such houses can be let. First as to the charge for ground rent. In view of the considerations adduced earlier in the paper, and the experience of Bournville and other places, I suggest that we assume a capital cost of £450 per acre for land including development, and that a limit of twelve houses per gross acre is imposed. At 4 per cent. this means a ground rent of £1 10s. 0d. per house per annum for a plot of say 350 square yards. Other charges to be met are repairs and renovation, management, insurance, voids, and water rate. Taking the two types described the rents work out as follows:—

PLAN No. 1.				£	s.	d.
Ground Rent ..	..	..	..	1	10	0
Water Rate ..	..	..	..	0	9	2
Repairs and Renovations at 1 per cent. on cost				1	14	2
Management, Voids, and Insurance, at ½ per cent.				0	17	1
				<hr/>		
				4	10	5
Return on Capital at 4 per cent. ..	..	..	..	6	16	9
				<hr/>		
				£11	7	2 say 4s. 5d. per week..
PLAN No. 2.				£11	7	2 say 4s. 5d. per week..
Ground Rent ..	..	..	..	1	10	0
Water Rate ..	..	..	..	0	15	0
Repairs and Renovations at 1 per cent. on cost				2	4	0
Management, Voids, and Insurance at ½ per cent.				1	2	0
				<hr/>		
				5	11	0
Return on Capital at 4 per cent. ..	..	..	..	8	16	0
				<hr/>		
				£14	7	0 say 5s. 6d. per week.

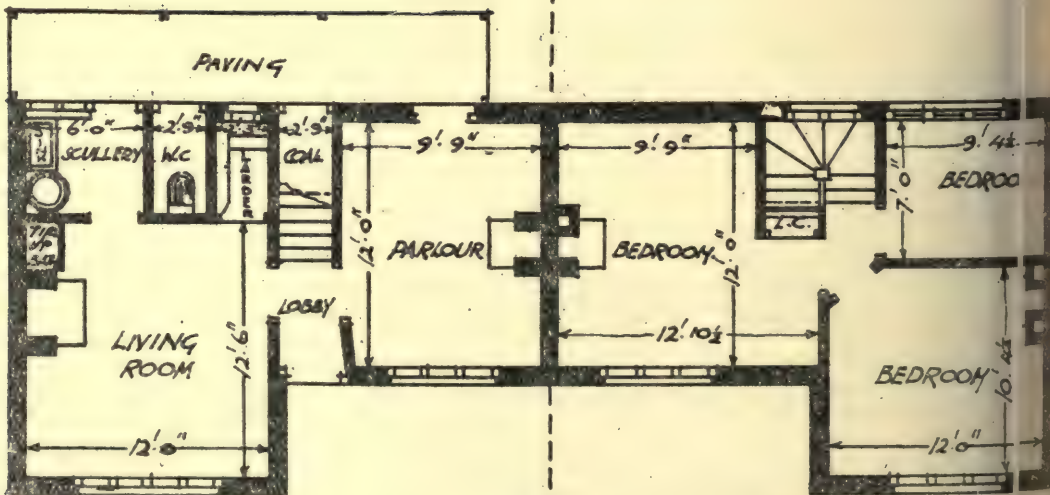
" Rates, with the exception of Water Rate, are additional. In many districts both classes of house would come within the 'compounding' limit."

# NO 1.



HALF  
GROUND FIRST FLOOR  
PLANS.

# NO 2.



HALF  
GROUND FIRST FLOOR  
PLANS.

Types of Bournville Cottages.

# THE REPORT OF COUNCILLOR HAROLD SHAWCROSS.

Councillor Harold Shawcross says in his Report published in 1914 :—

" This Report is an attempt to shew what the actual cost is likely to be to the artisan if he is housed under Town Planning schemes on garden city lines as compared with the sum he is actually paying under present conditions in our towns.

" The objection is generally made that to house the working man on improved lines with more land to his house and in semi-detached houses or blocks of four will so increase his weekly rent as to make the rent of such a house quite prohibitive to him.

" It is generally supposed that any house built on the improved lines we advocate must necessarily be a larger and more commodious one. There is no need that this should be so, and houses with the ordinary accommodation as given at present can just as well be built with gardens and semi-detached, instead of in long rows as is now usually the case.

" We therefore proceed to calculate what is the actual cost in both styles of development of :—

- (1) The plot of land for the house.
- (2) The cost of roads and sewers.
- (3) The cost of all works outside the house.
- (4) The extra cost of building houses semi-detached instead of in rows of 12,

and also the additions necessary for rates on the above items.

" The actual house we shall assume to be exactly the same in each case with the same accommodation, and we are only concerned with the additional works as mentioned above.

## WEEKLY COST OF HOUSE PLOTS UNDER PRESENT DEVELOPMENT.

" It is exceedingly difficult to fix what is a fair sum to put down as the usual cost to the tenant of the land for his house. Few attempts seem to have been made to investigate this—the latest and most exhaustive appears to be that of the Land Enquiry Committee which came out last year. They report that the cost varies so enormously, even in the same town, that it is difficult to give a tabular report, nor do they attempt to do so except for the land and the development charges together.

" In fixing 5d. as the weekly rent which the working man pays as ground rent for the land on which his house is built, from enquiries made I do not think we shall be far out. This would represent land purchased at £800 per acre with 36 houses built to the acre, and 5 per cent. charged as interest.

" Another way of looking at the matter is this : In most towns it is customary for the small builder who so usually erects the working man's house, to plot out the piece of land he is thinking of purchasing and see how many houses he can put upon it. He then sees the landowner who charges him a ground rent per house. This is very generally fixed at 20s. per annum, which represents a weekly rent of 5d. on the house.

" It is true that in many towns working men are charged a very much higher rent than 5d. weekly, but this is because often when the house is sold the purchase price represents the bare cost of the house to the builder, whilst his profit is obtained by means of an improved ground rent.

" If 5d. is taken as a basis of what the working man can afford to pay it must at once be admitted that if figures like £1,000 and £1,500 per acre are mentioned as the price of land for workmen's dwellings, then it will be impossible in most places to find tenants who will pay the enhanced rent necessary if the houses are reduced in number to 12 or 16 to the acre as would be the case in Town Planning Schemes.



## WEEKLY COST OF HOUSE PLOTS UNDER TOWN PLANNING SCHEMES.

"The table below gives the weekly cost in the rent according to the variation in the price per acre and in the number of houses built to the acre. Local Authorities can now borrow money for land purchase subject to repayment in 80 years. This money until the War began was lent at  $3\frac{1}{2}$  per cent., and this plus the sinking fund for repayment in 80 years gives £3 14s. 9 $\frac{1}{4}$ d. as the total annual charge.

"The method adopted in the table below is to divide the cost per acre of the land by the number of houses upon it to give the capital cost for each house plot. This cost is multiplied by £3 14s. 9 $\frac{1}{4}$ d. per cent. to give the yearly cost per plot, which is divided by 52 to give the weekly cost in rent. The cost is worked out to the nearest farthing.

	£ 100	£ 200	£ 300	£ 400	£ 500	£ 600
Number of Houses to the acre.	per acre Weekly Rent for each House Plot.	per acre Weekly Rent for each House Plot.	per acre Weekly Rent for each House Plot.	per acre Weekly Rent for each House Plot.	per acre Weekly Rent for each House Plot.	per acre Weekly Rent for each House Plot.
10	1 $\frac{3}{4}$ d.	3 $\frac{1}{2}$ d.	5 $\frac{1}{4}$ d.	7d.	8 $\frac{3}{4}$ d.	10 $\frac{1}{4}$ d.
12	1 $\frac{1}{2}$ d.	3d.	4 $\frac{1}{2}$ d.	5 $\frac{1}{2}$ d.	7 $\frac{1}{4}$ d.	8 $\frac{3}{4}$ d.
14	1 $\frac{1}{4}$ d.	2 $\frac{1}{2}$ d.	3 $\frac{3}{4}$ d.	5d.	6 $\frac{3}{4}$ d.	7 $\frac{1}{4}$ d.
16	1 $\frac{1}{4}$ d.	2 $\frac{1}{4}$ d.	3 $\frac{1}{4}$ d.	4 $\frac{1}{2}$ d.	5 $\frac{1}{4}$ d.	7d.
18	1d.	2d.	3d.	4d.	5d.	6d.
20	1d.	1 $\frac{3}{4}$ d.	2 $\frac{1}{4}$ d.	3 $\frac{1}{4}$ d.	4 $\frac{1}{4}$ d.	5 $\frac{1}{4}$ d.

"Anyone buying land under Town Planning Schemes where only a limited number of houses is allowed to the acre will have to buy a fairly large area in order to induce the landowner to sell at a reasonable price.

"As it might take some time to develop such an area it is necessary to allow for an addition to the price to cover the loss of interest whilst the land is being developed. Should an estate or area purchased take five years to cover it with houses it would be necessary to add 10 or 15 per cent. to the purchase price, and if 10 years was taken the addition should be 20 to 25 per cent. These additions are not necessary in the case of the speculative builder who buys a small plot of land, rushes up a row of houses and sells them as soon as they are finished. In his case as the landowner is only selling a small plot there is also no inducement for the latter to lower his price.

"Of course in the above table no allowance has been made for loss in interest during development, but it is deemed necessary that the point should not be overlooked, and Local Authorities in purchasing land should always reckon a certain addition to the price paid to cover the loss of interest whilst the plot is being developed.

## ROADS AND SEWERING.

"It is almost as difficult to give a fair average cost for making up roads to the satisfaction of the Local Authority, before they will take them over as Public Highways, as it is to find out a fair average cost for the land on which the house is built. The figures below are arrived at from a number of prices from various towns and should there be any disposition to question the figures it is as well to point out that they are only relative ones for the purpose of comparison, and if the calculations for ordinary development were reduced the Town Planning ones would come down likewise.

"It is expected that the cost of street works under Town Planning Schemes will be less than under the present development of 35 to 40 houses to the acre. By allowing streets of less width where there is no through traffic, by doing away to a great extent with cross

streets, by eliminating the back passage and by in many cases allowing the road surface to be made up less expensively, it can be shewn that the cost will be less under Town Planning Schemes—although each house will have a wider frontage to the street.

"The following calculations as to the cost under the two methods of development are submitted as a fair statement. The charge of 4 per cent. in all calculations in this paper, except for the land, represents  $3\frac{1}{2}$  per cent. for a loan for 60 years and  $\frac{1}{2}$  per cent. for the sinking fund repayment to extinguish the loan at the end of that period.

COST OF ROADS AND SEWERING UNDER PRESENT DEVELOPMENT OF  
35 TO 40 HOUSES TO THE ACRE.

"The cost of roads and sewers for a house with a frontage of 15 feet, 36 ft. street in front and 10 or 12 ft. back passage is as follows according to average prices in a number of towns in different parts of England:—

	£	s.	d.
5 yards sewerage at 10s. per yard frontage .. ..	2	10	0
5 yards front street works at £2 10s. 0d. per yard frontage	12	10	0
5 yards sewerage and paving in back passage at £1 4s. ..	6	0	0
Add for cross streets say every 12 houses .. ..	4	0	0
Total cost per house at present for roads and sewers ..	£25	0	0

"The weekly charge for this—calculated at 4 per cent. for 52 weeks—would be  $4\frac{1}{2}$ d. per week.

COST OF ROADS AND SEWERS UNDER TOWN PLANNING SCHEMES WITH  
10 TO 20 HOUSES TO THE ACRE.

Average house site frontage 25 ft. Roads of average width  
of 30 ft. No back passages.

	£	s.	d.
$8\frac{1}{2}$ yards sewerage at 10s. frontage .. ..	4	3	4
$8\frac{1}{2}$ yards street works at £2 2s. 0d. .. ..	17	10	0
	£21	13	4

"The weekly charge for this at 4 per cent. will be 4d.

"Nothing has been allowed in above calculation for making up roads less expensively than at present, though it is expected that for non-traffic streets a considerable saving can be effected in this item.

RATES AND WATER CHARGES.

"As a result of our present system of charging rates upon house rents it is necessary in order to get at the total cost of land and development that an addition should be made to the charges as worked out above.

"Rates vary in different districts, but an average amount will be found to be 8s. in the £ on the net rateable value, and a charge for water of  $7\frac{1}{2}$  per cent. on the gross rateable value. If these two items are taken a calculation will shew that the landlord who pays the rates and includes them in his rent must add 40 per cent. to his other charges to cover their cost. If we therefore add 40 per cent. to the amounts we have already worked out in preceding tables we shall have a fair estimate of the cost of land, roads and the proportion of rates thereon at the different costs of land.

## THE CASE FOR TOWN PLANNING.

## WEEKLY COST OF LAND, ROADS, AND RATES ON SAME, UNDER PRESENT DEVELOPMENT.

" Under present development we get the following figures as the weekly cost per house—

Weekly cost of land .. .. .	5d.
Weekly cost of roads and sewers .. .. .	4½d.
Weekly charge for rates, 40 per cent. on 9½d... ..	4d.
Or a total weekly cost of .. .. .	1s. 1½d.

## WEEKLY COST OF LAND, ROADS, AND RATES ON SAME, UNDER TOWN PLANNING SCHEMES.

" In the following Table will be found the weekly rent it would be necessary to charge for land, roads and sewers with Rates on same for different number of houses to the acre on land ranging in cost from £100 to £600. The figures are brought forward from preceding tables:—

Price of Land per Acre. £	Number of Houses to Acre.	Weekly Cost of Land.	Weekly Cost of Roads and Sewers.	Weekly Cost of Rates 40 per cent. on two preceding items.	Sum of preceding three items giving Weekly Cost in Rent.
100	10	1½d.	4d.	2½d.	8d.
100	12	1½d.	4d.	2½d.	7¾d.
100	14	1½d.	4d.	2½d.	7½d.
100	16	1½d.	4d.	2d.	7½d.
100	18	1d.	4d.	2d.	7d.
100	20	1d.	4d.	1½d.	6½d.
200	10	3½d.	4d.	3d.	10½d.
200	12	3d.	4d.	2½d.	9½d.
200	14	2½d.	4d.	2½d.	9d.
200	16	2½d.	4d.	2½d.	8½d.
200	18	2d.	4d.	2½d.	8½d.
200	20	1½d.	4d.	2½d.	8d.
300	10	5½d.	4d.	3½d.	1/1
300	12	4½d.	4d.	3½d.	1/-
300	14	3½d.	4d.	3½d.	11d.
300	16	3½d.	4d.	3d.	10½d.
300	18	3d.	4d.	2½d.	9½d.
300	20	2½d.	4d.	2½d.	9d.
400	10	7d.	4d.	4½d.	1/3½
400	12	5½d.	4d.	4d.	1/1½
400	14	5d.	4d.	3½d.	1/0½
400	16	4½d.	4d.	3½d.	1/-
400	18	4d.	4d.	3½d.	11¼d.
400	20	3½d.	4d.	3d.	10½d.
500	10	8½d.	4d.	5d.	1/5½
500	12	7½d.	4d.	4½d.	1/3½
500	14	6½d.	4d.	4d.	1/2½
500	16	5½d.	4d.	3½d.	1/1½
500	18	5d.	4d.	3½d.	1/0½
500	20	4½d.	4d.	3½d.	11¼d.
600	10	10½d.	4d.	5½d.	1/8½
600	12	8½d.	4d.	5d.	1/5½
600	14	7½d.	4d.	4½d.	1/4
600	16	7d.	4d.	4½d.	1/3½
600	18	6d.	4d.	4d.	1/2
600	20	5½d.	4d.	3½d.	1/1



## COST OF BUILDING UNDER USUAL METHODS, IN ROWS OF 12, WITH HOUSES 30 TO 40 TO THE ACRE, AS COMPARED WITH BUILDING SEMI-DETACHED HOUSES UNDER TOWN PLANNING SCHEMES.

"The consideration of the cost of development will not be complete until the extra cost of building houses semi-detached has been determined. It does not follow because we are comparing the semi-detached house with one of a row that all houses in garden suburbs will be built in this form. Houses may be built in rows of 4 or 6 with open passages between every other house on the ground floor to give access to the backs of the houses so as to avoid the back passage. We have taken the semi-detached house, however, for purposes of comparison as this is the more costly method of building and we wish to state the case in the least favourable way so far as expense is concerned. We would, however, point out that the superiority of the semi-detached form is very marked. The nuisance from noisy neighbours and the increased privacy make these houses to be preferred by intending tenants who willingly pay more rent to get possession of one.

"We have to consider the relative cost of all work outside the house, for works which are usually necessary for the artisan's house in a row, and then an exactly similar house semi-detached. We have taken the smallest type of house usually built in rows so as to give the more unfavourable comparison from the Town Planning point of view. If a larger house were taken with a wide frontage the comparison would be much more favourable to the house built on garden suburb lines.

### COST OF OUTSIDE WORKS FOR HOUSE IN ROW.

House contains Living Room, Scullery, and 2 or 3 Bedrooms.

Size of House, outside measure, 15 ft. frontage, 27 ft. deep.

House Plot, 15 ft. by 44 ft.

Size of Plot, 73 square yards.

House set back 6 ft. from road.

Closet and Coal Place in back yard.

Area of back yard unbuilt on, 150 ft.

	£	s.	d.
Brick wall in front of house, with stone coping ..	2	9	6
Two gates for front and back ..	2	0	0
Back yard flagging and asphalt path in front of house ..	5	12	6
Walling round back yard ..	3	7	0
Drains to sewer (no inspection chamber) .. .. .	1	8	6
	£14	17	6

### COST OF OUTSIDE WORKS FOR SEMI-DETACHED HOUSE WITH GARDEN.

House contains Living Room, Scullery, and 2 or 3 Bedrooms.

Size of House, outside measure, 15 ft. frontage, 27 ft. deep.

House Plot, 19 ft. frontage by 120 ft.

Size of Plot, 253 square yards.

House set back 15 or 20 ft. from road.

Closet and Coal Place at back.

	£	s.	d.
Wire fencing round plot, with iron gate .. .. .	6	17	6
Asphalting round house and for path from gate ..	5	17	6
Half cost of combined drains for 2 houses, with two inspection chambers ..	5	2	6
	£17	17	6

"This shews that the semi-detached house costs £3 more than the house in a row for the outside works. From priced costs from builders the extra cost for building semi-detached over one house in a row of 12 works out at £13 so that the total cost extra will be £16.

" From this we could fairly make a reduction for the lesser height of rooms for houses in garden suburbs. Medical authorities are generally of opinion that it is quite sufficient to have rooms of 8 ft. high in these places, whereas 9 ft. is usually required in close development in towns. As this is however still a somewhat controversial matter we prefer to claim nothing on this score in our calculations.

" The saving of cost to be obtained by reducing the height of rooms may be stated as follows for a house such as we have taken above.

" A reduction in height of ground floor of 1 ft. will save £3 2s. 6d.

" A reduction in height of bedroom floor of 1 ft. will save £2 17s. 6d.

" Nothing has been put down for the cost of making the garden as in most places this work is left to the tenant who is generally glad to do it.

" We may therefore take £16 as the extra cost of development for the semi-detached house on garden city lines and this will represent the weekly amount in rent of 3d. Adding 40 per cent. to this for rates we get 4½d. as the weekly addition to the rent necessary to cover the cost of the semi-detached house.

" We can now sum up the situation by bringing forward the figures from the last table and adding 4½d. in all cases.

WEEKLY COST OF HOUSE BUILT SEMI-DETACHED UNDER TOWN PLANNING SCHEMES, FOR COMPARISON WITH THE SAME SIZED HOUSE IN A ROW OF 12 BUILT AS AT PRESENT—THE AVERAGE COST OF WHICH IS 1s. 1½d. PER WEEK.

					s.	d.
With land at £100 per acre and houses	10	to the acre, weekly cost is	..	1	0½	
" " " "	12	" " "	..	1	0	
" " " "	14	" " "	..	0	11½	
" " " "	16	" " "	..	0	11½	
" " " "	18	" " "	..	0	11½	
" " " "	20	" " "	..	0	11	
With land at £200 per acre and houses	10	to the acre, weekly cost is	..	1	2½	
" " " "	12	" " "	..	1	2	
" " " "	14	" " "	..	1	1½	
" " " "	16	" " "	..	1	1	
" " " "	18	" " "	..	1	0½	
" " " "	20	" " "	..	1	0½	
With land at £300 per acre and houses	10	to the acre, weekly cost is	..	1	5½	
" " " "	12	" " "	..	1	4½	
" " " "	14	" " "	..	1	3½	
" " " "	16	" " "	..	1	2½	
" " " "	18	" " "	..	1	2	
" " " "	20	" " "	..	1	1½	
With land at £400 per acre and houses	10	to the acre, weekly cost is	..	1	7½	
" " " "	12	" " "	..	1	6	
" " " "	14	" " "	..	1	5	
" " " "	16	" " "	..	1	4½	
" " " "	18	" " "	..	1	3½	
" " " "	20	" " "	..	1	2½	
With land at £500 per acre and houses	10	to the acre, weekly cost is	..	1	10	
" " " "	12	" " "	..	1	8	
" " " "	14	" " "	..	1	6½	
" " " "	16	" " "	..	1	5½	
" " " "	18	" " "	..	1	4½	
" " " "	20	" " "	..	1	4	

With land at £600 per acre and houses 10 to the acre, weekly cost is	..	2 0½
“ “ “ 12 “ “	..	1 10
“ “ “ 14 “ “	..	1 8½
“ “ “ 16 “ “	..	1 7½
“ “ “ 18 “ “	..	1 6½
“ “ “ 20 “ “	..	1 5½

“ When the above table is carefully considered we think we may claim that the contention of some critics of Town Planning that the extra cost will be so great that the working man can never be got to pay it, is not justified by the facts.

“ Until we come to land over £200 an acre there is hardly a figure in the table which is more than the present cost to the working man, and even if land at £600 is taken it is difficult to believe that men will not easily be found to exchange their present somewhat dismal surroundings for the pleasanter ones to be obtained under Town Planning Schemes, even at the difference in rent shewn. But in the neighbourhood of most towns there is no need to pay £600 an acre for land as plenty can be obtained on the outskirts at much lower figures.

“ It should be noted that in the above table there is very little to be gained in putting more houses to the acre from the point of view of rent. For instance with land at £300 per acre the weekly cost for houses 12 to the acre above that of houses 20 to the acre is only 3d. per week.

“ It is as well to state what that difference is in the matter of the size of the house plot.

## GARDEN PLOTS FOR EACH HOUSE UNDER TOWN PLANNING SCHEMES.

“ The plot of land on which the usual working man's house is built contains as a rule about 70 square yards. Under Town Planning the working man can get for a garden plots of the following sizes for the different number of houses to the acre. This is assuming that the whole of a plot of land is devoted to houses with nothing for open spaces.

“ The size of the garden plot is calculated as follows (there are 4,840 yards in an acre) :—

If 840 yards is deducted for roads there is left 4,000 yards per gross acre for building plots. This 4,000 is divided by the number of houses per acre to give the size of plots and then 60 yards is deducted for house site, leaving the amount of land available to each house for a garden :—

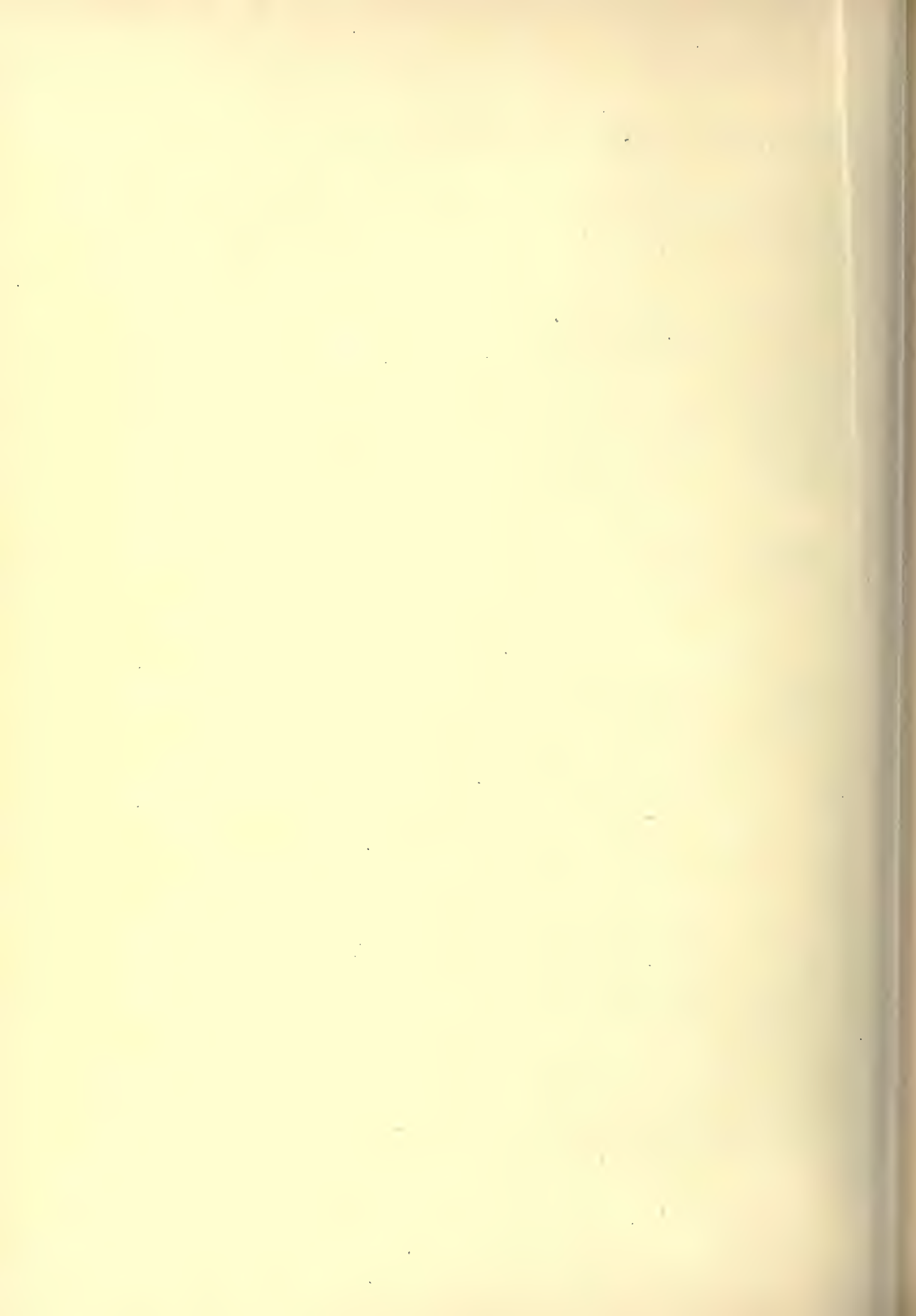
With 12 houses to the acre the size of garden plot is 270 square yards.

“ 16 “ “ “	190 “
“ 20 “ “ “	140 “

“ It must be noted that as the number of houses per acre is reduced the amount required for roads is less in proportion. To take off one-sixth of an acre will be about right for houses built 16 to the acre and the garden plots shown above would be more in favour of the development with fewer to the acre than we have claimed if allowance was made for this. For houses built as at present 40 to the acre, more than one-third of the area is taken up with roads.

“ It should however be pointed out that it is not necessary to give all houses gardens of this size. In planning the area regard should be had to the necessity for playing grounds for the children, and for tennis grounds and bowling greens for the adults. These could be provided by giving some of the houses smaller gardens or even none at all, which would perhaps be preferred by some tenants, thus leaving more land for above purposes, whilst still keeping the number of houses to the acre as originally fixed.”





## CHAPTER VIII.

THE GROWTH OF THE GARDEN SUBURB MOVEMENT AND  
OF PUBLIC UTILITY (OR CO-PARTNERSHIP) SOCIETIES.

**I**N Part I. of this book the importance of the Garden Suburb movement in regard to the evolution of the demand for Town Planning legislation has been emphasised. The history of the movement has, however, only been briefly outlined there, and it will now be of service to describe various schemes in closer detail.

## THE ESTABLISHMENT OF BOURNVILLE AND PORT SUNLIGHT.

As already stated the movement may be said to have taken its rise in the establishment of the model villages of Bournville, by Mr. George Cadbury, and of Port Sunlight, by Sir W. H. Lever. In the earlier stages these villages gave expression to the desire of wise employers of labour to raise the status of their employees. But step by step the efforts of these pioneers to secure better housing conditions became of national service, and an increasing number of men and women anxious to learn lessons in the art of proper planning and good building found their way to these two villages year by year.

The accompanying plans will shew that both villages possess the great merit of giving ample space about the houses, either in the form of gardens or open spaces, and that both are examples of the wise limitation of the number of houses per acre.

In Bournville preference has been given to the provision of large private gardens, whereas in Port Sunlight the founder has preferred to provide amenities in the form of open spaces, either adjacent to the houses or in the form of playing fields and allotments.

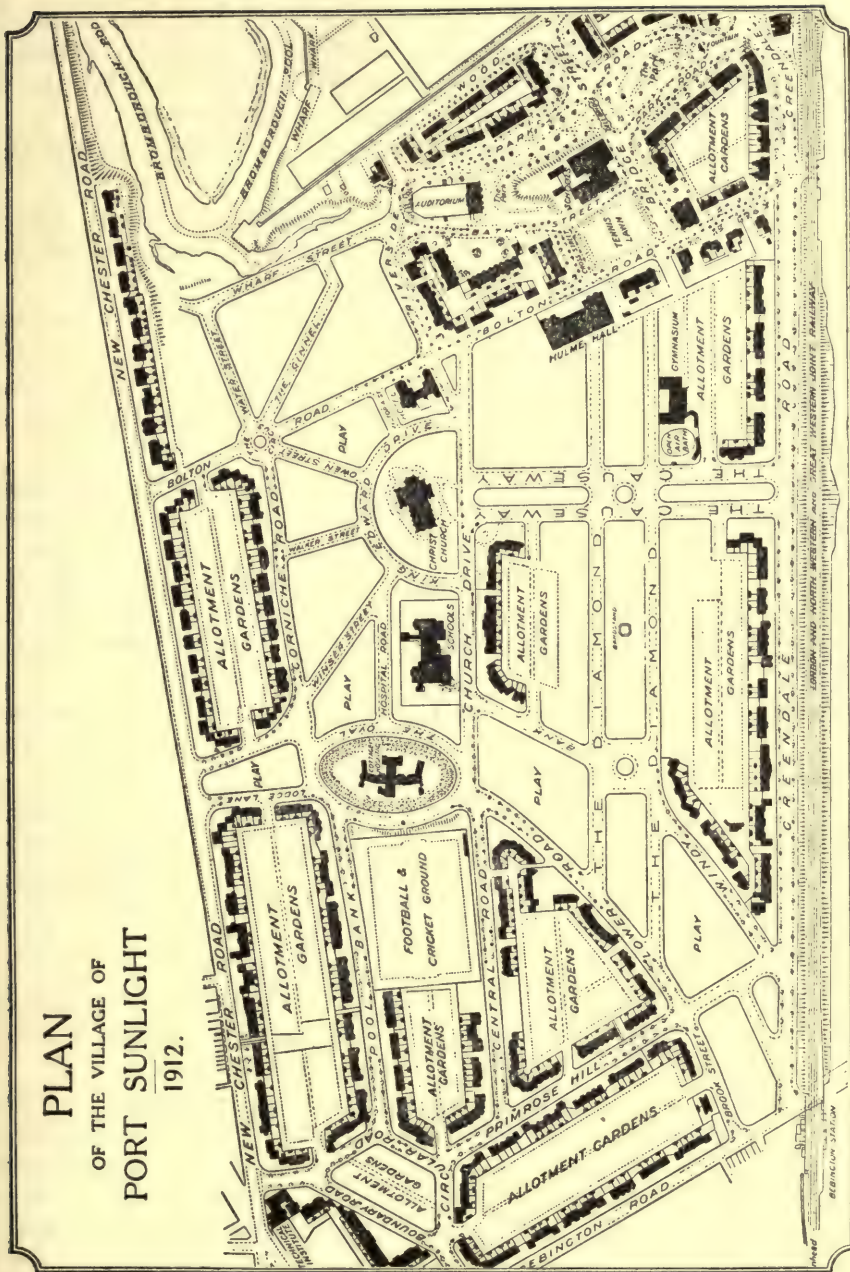
The financial organisation of the two schemes differs greatly. In the case of Port Sunlight the rents charged do not include any provision for the payment of interest on the capital invested, but are fixed on the basis of providing for sinking fund and for the payment of all other charges, including rates and repairs. The tenancy of the houses is limited to the employees of Messrs. Lever Bros., and represents in effect a desire on the part of the employers to give their workmen



Plans of Bourneville Village (1910).



# PLAN OF THE VILLAGE OF PORT SUNLIGHT 1912.



some share of the prosperity of the firm.) In more recent years the founder of the firm has developed an exceedingly interesting form of "prosperity sharing," by which the employees are given shares in the great business which has been built up and which has now ramifications throughout the whole world.

Quite early in the development of Bournville Mr. George Cadbury decided to take three steps of great importance :—

- (1) To take as tenants not only workmen employed at the Bournville factory, but also workmen employed at other factories in the district and in Birmingham ;
- (2) To so fix all rents as to provide a clear four per cent. return on the capital ; and
- (3) To place the control of the estate in the hands of a Board of Trustees with instructions to use all future revenues for the development of the estate or other estates.

Without in any way underestimating the importance of the work done in providing better homes for workmen in Port Sunlight, Bournville, and Birmingham by these two clear-sighted captains of industry, it may be stated with perfect truth that the value of these villages as object lessons has been a hundredfold that of the value of the service rendered to the individual families resident in the houses on these estates, for the establishment of these villages placed quite beyond question the value of careful planning and ample provision of open spaces.

Thenceforward the man who demanded proof of the value of the new theories could be convinced in the best of all ways, viz. : by shewing him a garden suburb "in being."

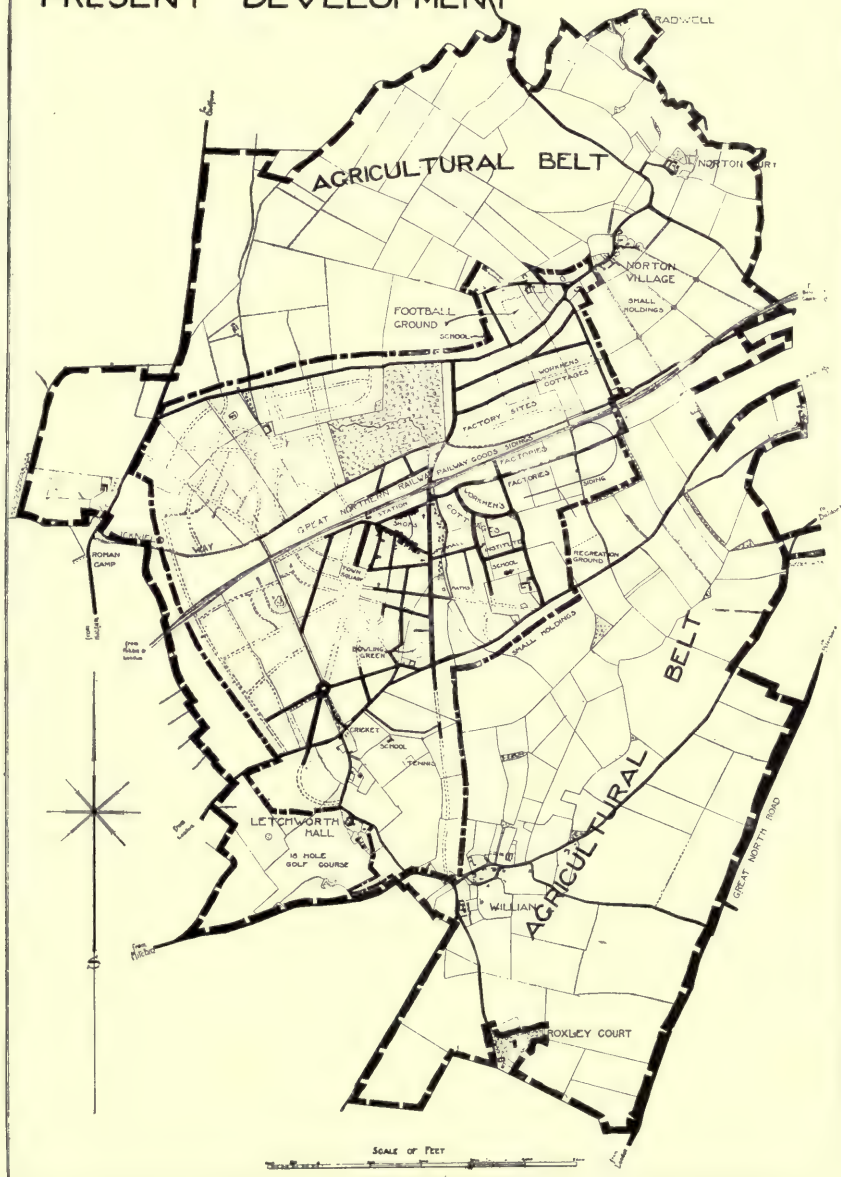
For this reason it will be just to say that the workmen of Great Britain owe a great debt of gratitude to these pioneers for shewing in such a practical way how the happiness and physical fitness of the people can be increased by the improvement of the conditions surrounding their homes.

#### THE ESTABLISHMENT OF THE FIRST GARDEN CITY.

In 1903 the First Garden City at Letchworth was established as a result of the teaching of Mr. Ebenezer Howard and the efforts of Mr. Justice Neville, Mr. Thos. Adams, and other active exponents of the idea.

The special characteristic of the proposal made by Mr. Howard may be said to be that of advocating the establishment of absolutely new towns—not extensions of existing towns—on cheap agricultural land. After much discussion and negotiation a site was purchased at Letchworth close to Hitchin, in Hertfordshire, the necessary capital was raised, and the endeavour to establish a completely new Garden City was commenced, with Mr. Raymond Unwin and Mr. Barry Parker as architects.

# FIRST GARDEN CITY LTD PLAN SHEWING PRESENT DEVELOPMENT



Plan of First Garden City (Letchworth).





The main features in the accompanying plan have thus been summarised by Mr. Ewart G. Culpin, in his book on the Garden City Movement Up-to-date :—

“ The estate, of now 4,566 acres, is the property of First Garden City Ltd., a company with a dividend limited to 5 per cent. cumulative, whose memoranda and articles embody the root principles of the movement. The town is situated thirty-four miles from London on the Great Northern Railway, just beyond the old market town of Hitchin. It is served also by the Midland Railway from Hitchin, and being bounded by the Great North Road traffic facilities are excellent.

“ First Garden City Ltd., being the owners of what was practically virgin land, have had themselves to provide the necessary equipment of the town, which, in the case of the garden suburbs, is derived from neighbouring towns. Thus the company own the gas, water, and electric light undertakings; they have made the roads; they provide and maintain the sewers and the sewage disposal works: and they have organised such facilities as an omnibus service, swimming bath, &c., to encourage the growth and amenities of the town.

“ Besides the Bye-laws of the Hitchin Rural District Council, under whose jurisdiction Letchworth is, the company has its own building regulations and its surveyor exercises some supervision over designs and specifications to ensure proper conditions being observed. The maximum of houses allowed to the acre is twelve, but as the size of the house increases so does the area of the plot, so that all over the building area (which is 1,200 acres only, the remainder being agricultural and park land) there will probably be an average of not more than half that number. An ultimate population of 30,000 people is provided for on the town area, or 35,000 including the agricultural belt. Thus, over the whole of the seven square miles of Garden City, there will be an average of only nine people to the acre, compared with the two or three hundred still allowed by the Bye-laws of many towns.

“ The agricultural belt of 3,000 acres marks a fundamental difference between Letchworth and every other experiment on garden city lines, and indeed, distinguishes it from every other town in the world. Many places have belts or girdles of green, but none has a definite provision such as this; and as in the town the way is pointed for a new tradition of development, so it is hoped that the agricultural belt will help in the solution of some of the rural problems. A good deal of attention has been given to small holdings, especially in the direction of milk production, and recently an exhaustive inquiry has been made with a view to assisting in this development.

“ To secure the proper carrying out of the objects of the company leasehold tenure is in vogue, on easy terms, and for either 99 or 999 years. Freehold is granted only for such purposes as churches, &c., or where land is acquired by Local Authorities.

“ The estate has been the scene of two cottage exhibitions and has always shown interesting examples of both cottage and other styles of architecture, while cottages recently erected are probably the most satisfactory yet provided in this country. The cheapest rent is 4s. 3d., including rates (which stand at 5s., in the £), but these were built before the recent serious advance in building costs.

“ In addition to the county roads already existing the company have made about ten miles of new roads, and provided nearly twenty miles of water mains, fifteen miles of gas mains and fourteen miles of sewers. The roads vary from 10 feet to 100 feet, at costs varying from 15s. to £5 per yard run, and exhibit every style of treatment known to modern

advocates of town planning. Grass margins and trees are usual, and the practice has obtained of planting fruit trees and borders of herbaceous plants, while in the business quarters flowering shrubs have been planted. Five miles of roads have so far been taken over by the Hertfordshire County Council.

"The past year (1913) was an important one in the history of the estate, as it was the first year in which a substantial profit was made. The net profit, after paying all expenses and interest on borrowed capital, amounted to £3,086 12s. 2d. This improvement is on the increase, and it may confidently be asserted that the enterprise is within sight of the dividend-paying period. During the year 197 inhabited houses and factories and workshops were added, making a total of 1,761. The number is now nearly 1,900. The ground rents created up to September 30th, 1912, amounted to £5,922.

"An important side of the Letchworth experiment, and indeed the crucial test, is the development of its factory area. If Mr. Howard's theory had not been sound, manufacturers would not have gone to Letchworth and the place would never have developed. There are now some thirty industries established in the town, and several of these have been very considerably extended. The trades represented include engineering, printing, embroidery, bookbinding, photographic utensils, joinery works, pottery, weaving, commercial motor engineers, motor car makers, metal works, organ builders, seed and implement factories, scientific instrument makers, colour printers, corset makers, &c. There are five building companies working on the estate. An interesting feature is the co-operative house 'Homesgarth.'

"The town is complete with every facility for commerce, trade and social life. Its residential facilities are excellent, and as a place of residence alone it is being much sought after. The industrial population have here advantages which have been possessed by no other town in the country. Its housing is good, the gardens are ample, and there are many opportunities for recreation and social life. Church life and education are well provided for. There are several public halls, and the arrangements for water, lighting and sanitation are as near perfect as they can be. Its scope is infinitely greater and presents the solution of more serious problems than any suburb of a town can possibly do.

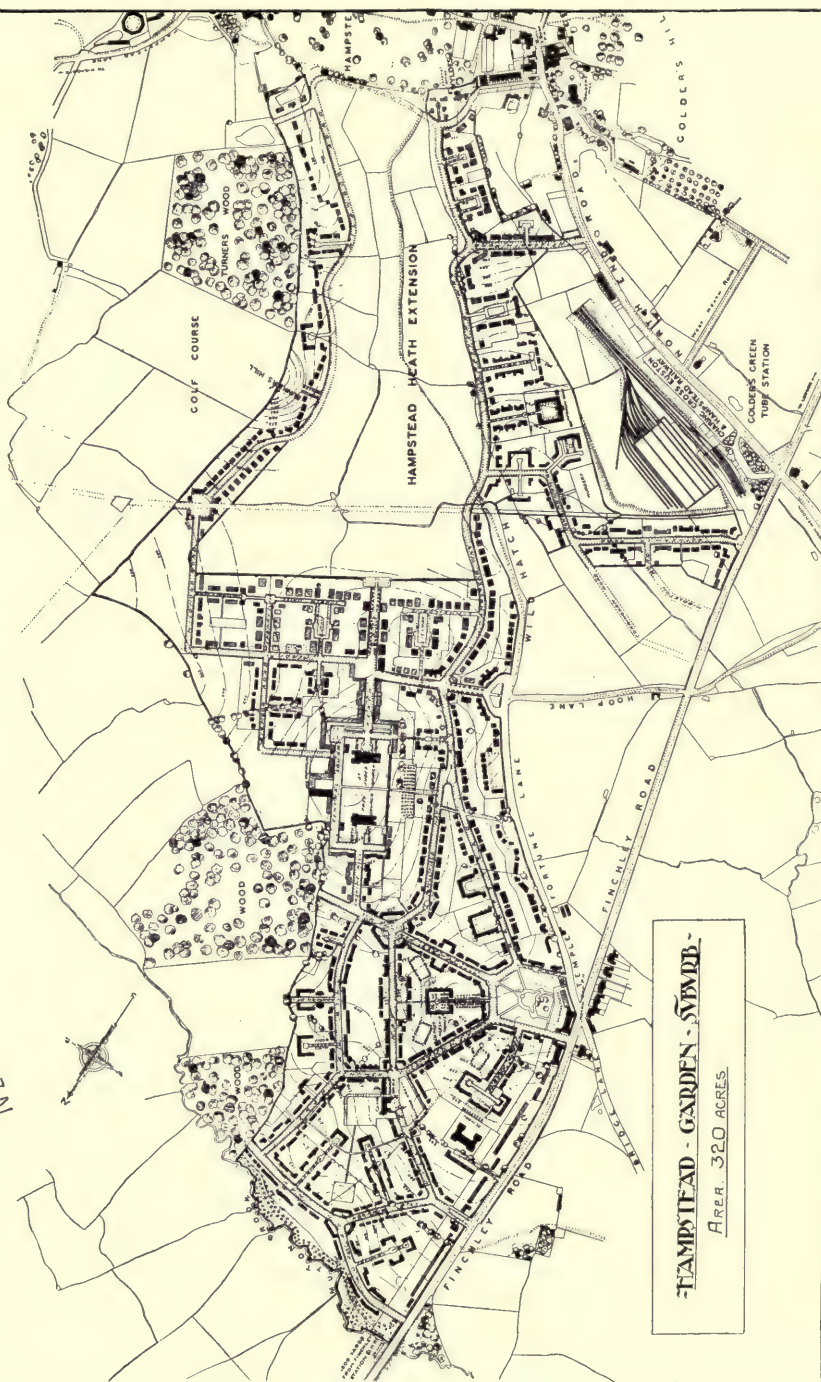
"Letchworth has been described as England's healthiest town. Both with regard to the general death-rate and infantile mortality the figures are far below any other place in the country."

That the Company has been so successful in realising the idea of Mr. Howard is due to the unremitting services of the Directors (especially Mr. Aneurin Williams, M.P.), of Mr. Gaunt (the Agent), and of Mr. Craske (the Secretary).

In regard to the effect of the establishment of Letchworth on Town Planning progress, there can be no doubt that it has been of great value in giving a definite object lesson, and the name "garden city" has now an international significance. Whether the hope of the founder that the United Kingdom would witness the rapid growth of completely new garden cities will be realised it is difficult to say. At present there are no signs that this will be the case, but in any event the success of the Letchworth Garden City has been, and is, such as to give just cause for pride to all who have been associated with its foundation.



NEW AREA ACQUIRED FOR EXTENSION 412 ACRES



Plan of the Hampstead Garden Suburb (Messrs. Raymond Unwin and Barry Parker, Architects).



## THE HAMPSTEAD GARDEN SUBURB TRUST.

As stated in Part I. the Hampstead Garden Suburb was founded as a result of the efforts of Mrs. Barnett, who with several friends took up the option to purchase land from the Eton College Trustees. The success of the efforts of the Trust were assured from the first by the fact that the land was in close proximity to the terminal station on the projected electric tube railway from Charing Cross to Hampstead, and since the construction of the tube and the opening of the station the development of the district has been phenomenal.

The Hampstead Garden Suburb Trust was fortunate in securing as directors the co-operation of leading Statesmen in the Earl of Crewe and the late Mr. Alfred Lyttelton.

The plan of the estate, which is reproduced here, was prepared by Mr. Raymond Unwin, and comprises much of his best work. Especially useful have been the schemes of subsidiary roads and quadrangles which he has worked out. It is interesting to note that prior to 1909 the development on these lines was impossible under the existing bye-laws, and that a special Act of Parliament was secured by the Trust to enable them to adopt new methods of lay-out and road construction.

The present characteristics of the estate and the general features may be gathered from the following summary prepared by Mr. Culpin :—

“ The growth of the Estate has been phenomenal. Since the first sod was cut on May 2nd, 1907, 1,550 houses have been built and occupied, with an estimated population of 5,000 people.

“ The value of the houses and public buildings on the Estate is estimated at £800,000, representing, with the land and roads, a capital value of over £1,000,000, while the ground rent secured amounts to no less than £11,330 out of a total estimated rental of £15,000. Dividends at the rate of 5 per cent. per annum on the ordinary shares have been paid during the past four years.

“ The end of the first portion of the Estate (240 acres) being in sight, the Directors have acquired another 112 acres of land from the Ecclesiastical Commissioners, while the Co-partnership Tenants Limited, who have been responsible for the development of a large portion of the original area, have taken up 80 acres of the added portion and have also taken 300 acres direct from the same authorities, making a total of one square mile of land, the whole of which will be planned by the Hampstead Garden Suburb Trust Ltd.

“ Building operations in the Suburb have been carried out by a variety of enterprise. The Trust has confined itself to erecting housing for its workers, the Institute, and a home for poor children. The Co-partnership Societies have built the larger number of houses, cottages, &c., renting from 5s. 9d. per week to £110 per year ; also the Club House at Willifield Green, and homes for elderly people. The Improved Industrial Dwellings Company have built a number of cottages and houses let at weekly rents from 7s. 6d. to 14s. 6d. Other companies and builders have built and are building houses to sell from £425 to £3,500.



" The following figures of the Garden Suburb are available :—Share capital authorised £75,000, issued £54,000. Authorised debentures £150,000, issued £131,000. Total rates, 5s. 6d. in the £. Houses limited twelve to the acre, with an average of 8 over the whole Estate. Maximum rent £110 per year, minimum 6s. 6d. (rates not included). Average cost of cheapest house £300. Roads made 7 miles. Principal roads 40 feet, and others less. Roads are tree-planted and grass margins laid."

#### NEW EARSWICK (YORK) AND HULL GARDEN SUBURBS.

Other garden suburbs were established at Hull and York between the years 1904 and 1909. The founder of the Hull Garden Suburb—Sir James Reckitt—copied the example set by Mr. George Cadbury—a fellow member of the Society of Friends—and this applies also to the foundation of the village of Earswick by Mr. Joseph Rowntree.

Both these villages have been of great service, not only in providing homes in pleasant surroundings for workmen and their families, but in setting examples of good planning and building.

In the case of the New Earswick Garden Suburb a Trust Deed was prepared, and the following extracts are taken from it :—

" The object of the said Trust shall be the improvement of the condition of the working classes (which expression shall in these presents include not only artisans and mechanics, but also shop assistants and clerks, and all persons who earn their living wholly or partially, or earn a small income by the work of their hands or their minds, and further include persons having small incomes derived from invested capital, pensions, or other sources) in and around the City of York, and elsewhere in Great Britain and Ireland, by the provision of improved dwellings with open spaces and, where possible, gardens to be enjoyed therewith, and the organisation of village communities, with such facilities for the enjoyment of full and healthy lives as the Trustees shall consider desirable, and by such other means as the Trustees shall, in their uncontrolled discretion, think fit."

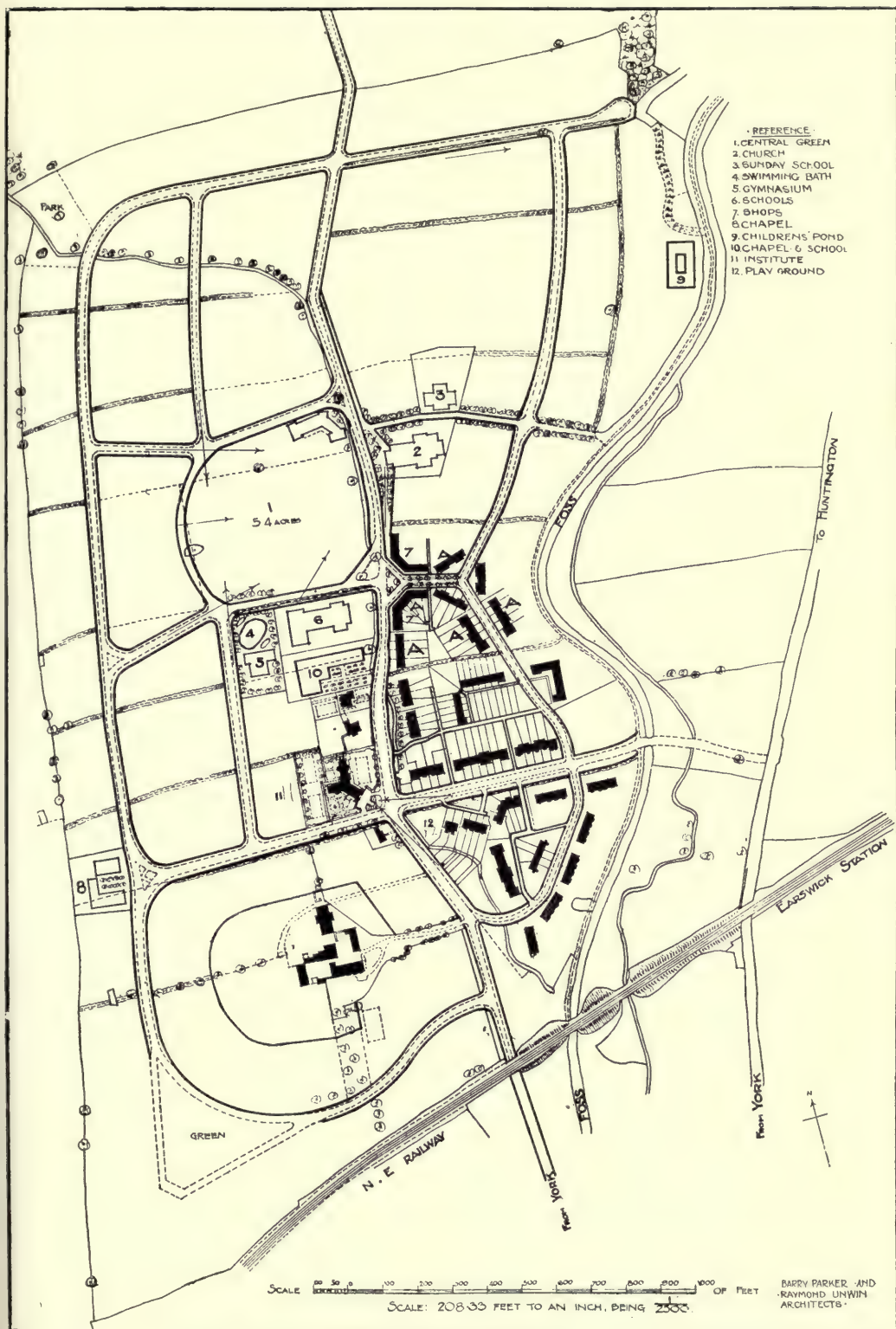
The plan of New Earswick (*vide* illustration) and the designs of many of the houses are the work of Mr. Raymond Unwin.

The total area of New Earswick is 120 acres, so that compared with some other garden suburbs it is small, but, in the opinion of competent judges, it more nearly approaches the ideal of what a garden "village" should be than any of the other estates founded on similar lines. The quiet village roads, with cottages deeply set back in gardens together form a picture possessing real charm.

So far there have been 150 houses built (with an average of ten to the acre) and the development of the estate is being steadily proceeded with under the guidance of Mr. Seebohm Rowntree and his colleagues.

The work of administration at New Earswick is in the hands of Miss Harlock, whose sound common sense has found expression in many interesting experiments in the designs of the houses and the distribution of the internal space.

Rents vary from 4s. 6d. per week (rates in addition) upwards.



Plan of New Earswick (York).





The Hull Garden Suburb is situated in the suburbs of Hull, and already more than 70 acres of the total area of 94 acres has been developed, with an average of twelve houses per acre.

The architect, Mr. Percy Runton (Messrs. Runton & Barry), has shewn great skill and initiative in the development of the estate. Some of the cheapest houses are let at 4s. 9d. per week inclusive of rates. The development is in the hands of a private company, with a dividend limited to 3 per cent.

#### WOODLANDS COLLIERY VILLAGE.

Another interesting Model Village has been established by Sir Arthur Markham, M.P., and his colleagues of the Brodsworth Colliery Company, by the building of the Woodlands Colliery Village in accordance with the plan of Mr. Soutar (*vide* illustration) and the designs of Mr. Percy Houfton.

This Colliery Village had been preceded by another village built on model lines at Bolsover, in Derbyshire.

The owner of the land at Woodlands—Mr. Thellusson—gave his cordial co-operation, and the village is now one of the most interesting in the Kingdom.

The following summary of the main features is taken from Mr. Culpin's book:—

"The pretty mining village of Woodlands is one of the most valuable projects which demonstrate the economy and value of town planning. Its total of 653 houses is now complete. The village was commenced in June, 1907, to house the workers of the Brodsworth Main Colliery, largely owing to the determined efforts of Sir A. B. Markham, M.P. The capital required was borrowed on debentures at 5 per cent. interest—a high rate for housing purposes—and the basis of the undertaking is that the village shall, at the rentals charged, return 4 per cent. on capital after everything, including ground rent, rates and maintenance, is paid. The plan is the work of Mr. Percy B. Houfton, of Chesterfield. The estate is of great natural beauty, and adjoins the private residence known as 'The Woodlands,' which is being converted into a Workmen's Club. Its immediate gardens and the Home Park, in all twenty-one acres, are reserved as recreation grounds.

"The village is divided into two sections, linked up by the sites for public buildings and institutions. The portion known as 'The Park Site' comprises 121 cottages, which were built in one year, and overlook the Home Park, which contains some magnificent forest trees and is surrounded by a belt of shrubberies. The second portion, 'The Field Area,' contains 532 houses, built and occupied in fifteen months. The rate of speed, which is too high to ensure good workmanship throughout, was necessitated by unforeseen developments in the coal seam. A main avenue, 120 feet wide, and planted with a quadruple row of trees, is the principal feature of the design, together with numerous open spaces, gardens, an artificial lake, covering some four acres, and all the advantages of landscape gardening. Churches, baths, an institute, and co-operative stores are features of the village. The rents are as follows: Living-room cottage, 5s. 3d.; parlour cottage, with bath in scullery, 6s.; parlour cottage, with bathroom, 6s. 6d.; similar house to the last, but larger, 6s. 9d. All rates are included in these figures. The cost of building varied from £156 per house for the smallest to £212 for the largest."

## RUISLIP MANOR, HARBORNE, AND OTHER SOCIETIES.

In 1910 the Ruislip Manor Estate, belonging to King's College, Cambridge, was placed in the hands of a special company—the Ruislip Manor Company—with the late Alderman Thompson as Managing Director.

The distance of this estate from London is much greater than the Hampstead Garden Suburb, and the progress has therefore been slow, but the Cottage Society started by Alderman Thompson has now 90 cottages.

The Harborne Tenants Ltd. (*vide* illustration) was established by Mr. John S. Nettlefold, and has accomplished much valuable work, more especially in familiarising councillors and officers with successful experiments in regard to relaxations in road width.

The area of the Estate is 54 acres, and 500 houses have been built. Nine acres have been devoted to allotments and playgrounds.

The growth of all these estates—and there are now many of them—has been greatly stimulated by the passing of Section (4) of the Housing Part (1) of the Act of 1909, giving power to the Public Works Loan Commissioners to advance two-thirds of the cost to public utility societies engaged in the provision of houses for the working classes. The present position of the garden city and garden suburb movement can be seen from the accompanying tables (page 419) reproduced from Mr. Culpin's book "Garden City Movement Up-to-date." As will be seen later in this chapter—the development of garden cities and garden suburbs is very closely bound up with the development of the public utility society movement.

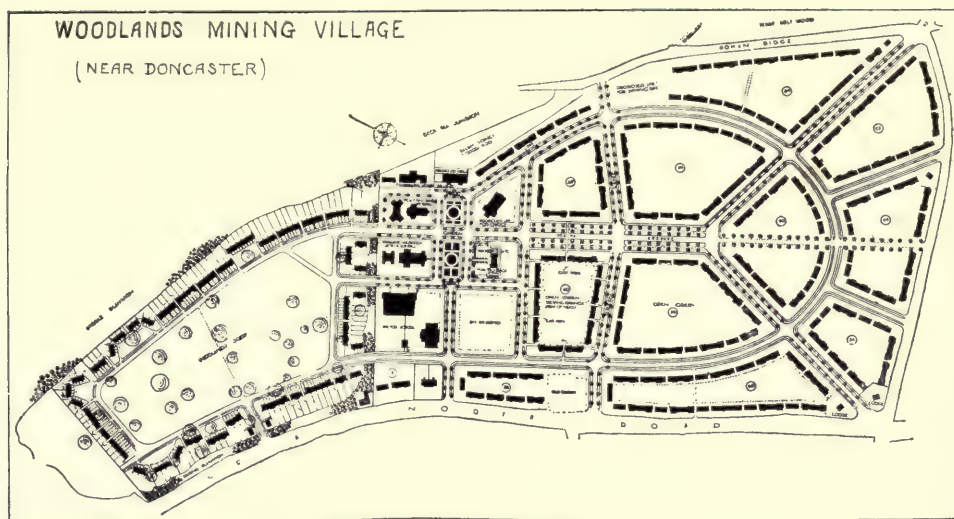
## THE INFLUENCE OF THE GARDEN CITY MOVEMENT ON OTHER COUNTRIES.

Mention has already been made of the international influence of the Letchworth example. The movement has spread throughout Europe, and in most countries garden villages and suburbs have been established.

The most beautiful of them all are in Sweden, close to Stockholm. These have been established on estates bordering great lakes and adjacent to forests, and have, therefore, a natural beauty of a striking kind.

At Milan, in Italy, the leaders of the Co-operative Union have established a garden village called Milanino, or Little Milan. It can hardly be said that the village is one of workmen's houses, for the cost of building the villa in a garden suburb in Italy is so great that the average workman cannot afford it, but the progress made has been of a most interesting kind.

In Germany several garden villages have been established at Hellerau (Dresden), Nuremberg, Carlsruhe, Berlin, &c., &c.



Plan of Woodlands Colliery Village (see page 413).



Plan of Harborne Garden Suburb (Messrs Martin & Martin) (see page 414).





In France the progress has not been great, but Mr. Benoit Levy has for many years conducted a strenuous propaganda, and in the years to come his work will without doubt bear fruit.

In Spain the movement is now beginning to bear fruit, and a most interesting literature, from the pen of Mr. Montoliu and others, is exercising a valuable influence.

In all these countries, however, the presence of the tenement dwelling is a great barrier to progress, and it will probably be many years before the garden suburb movement there will pass out of the experimental stage.

For this reason the United Kingdom—and possibly Belgium, Holland, and America—will be the countries in which this form of housing will achieve its greatest successes and leave its most permanent marks on city development.

### THE DEVELOPMENT OF SOCIETIES OF PUBLIC UTILITY.

The movement for the establishment of Societies of Public Utility took its rise in the establishment of the Ealing Tenants Society, by Mr. Henry Vivian and a group of sympathisers—the central idea being the substitution for the personal ownership of the individual home without any responsibility for the conditions of the surrounding estate, of the principle of ownership of shares in a company, these shares carrying the right to tenancy of the house and the acceptance of definite collective responsibility for estate management.

With the establishment of the First Garden City at Letchworth, and the Hampstead Garden Suburb, a great opportunity was given for the general extension of the idea, and the Tenant Co-partnership Movement was established—the principal members being Mr. Henry Vivian and Miss Sybella Gurney (now Mrs. Branford).

The movement has been fortunate in attracting the service and help of many able men, including Mr. Frederick Litchfield, Mr. John H. Greenhalgh, Mr. J. F. L. Brunner, M.P., and Mr. John S. Nettlefold, and several of the most successful societies have been formed under their auspices, with headquarters at 6, Bloomsbury Square, London.

Other unattached societies have been formed, and recently an interesting departure has been made by the formation of a Rural Housing Organisation Society to secure the development of Public Utility Societies in rural areas.

### THE SCOPE AND CHARACTER OF THE WORK OF PUBLIC UTILITY SOCIETIES.

Mr. Henry Vivian has described the scope and character of these societies (with especial reference to Co-partnership Societies) in a pamphlet, from which the following extracts are taken by permission :—

These societies are registered under the Industrial and Provident Societies Acts with limited liability. The capital is raised in shares of £1 to £10 each and loan stock or Tenants'

Co-partnership stock, payable in full or by instalments. The Committee or Board of Management is elected by the shareholders, and usually includes some who are tenants of the Society.

The methods adopted are briefly as follows :—

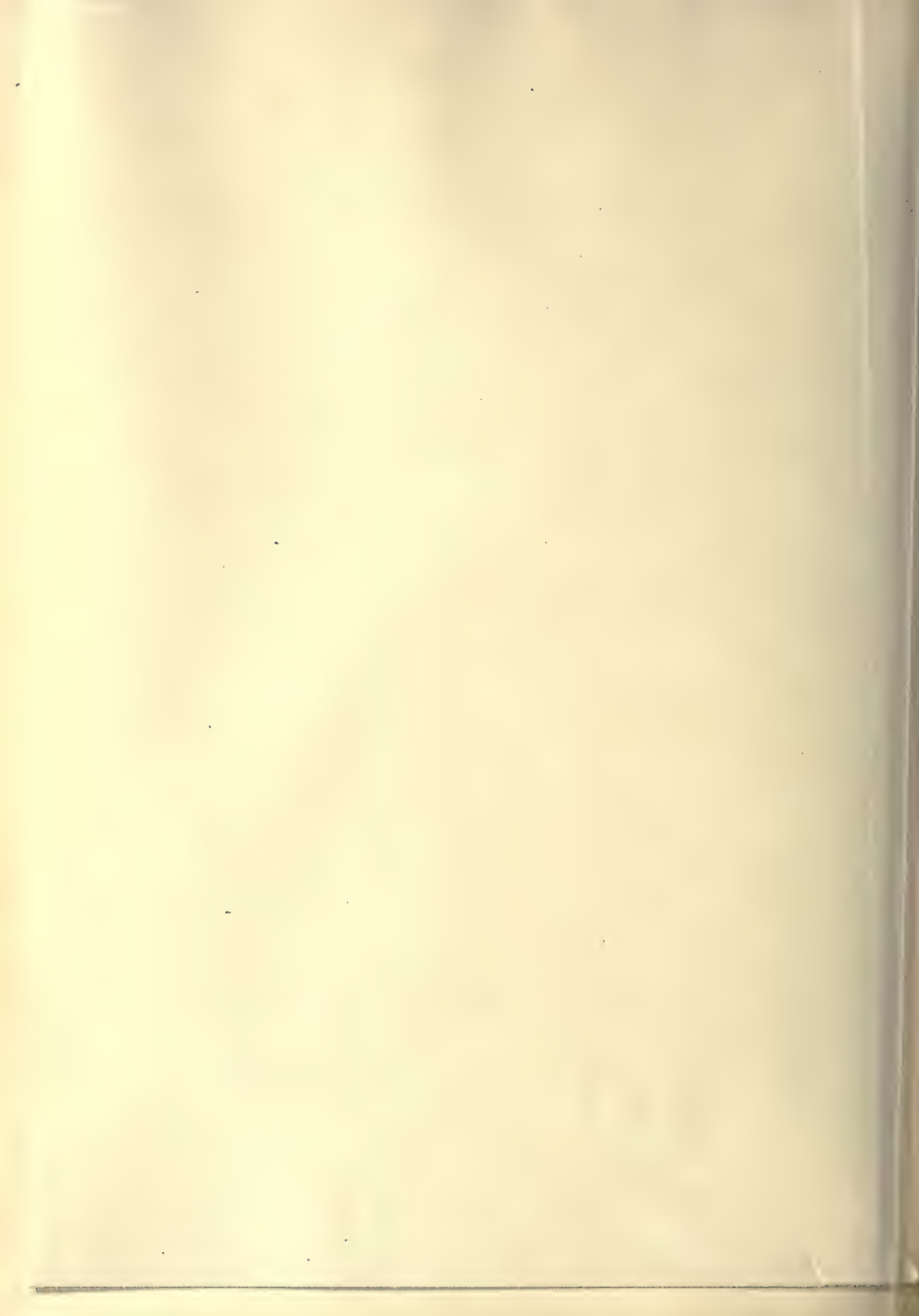
- (1) To purchase a site in the suburb of a growing town, and to plan or lay it out in such a way as to provide (a) suitable playing grounds for the tenants and their children ; (b) a reasonable limitation of the number of houses to the acre, so that each house may have a private garden ; (c) pleasing architectural effects, both in the grouping and designing of the house :
- (2) To erect substantially-built houses, provided with good sanitary and other arrangements ; to let these at ordinary rents, giving the preference to investors desiring to become tenants ; to pay a moderate rate of interest on capital (usually 5 per cent. on shares and 4 or 4½ per cent. on loan stock and Tenants' Co-partnership stock), and to divide the surplus profits (after providing for expenses, repairs, and sinking fund) among the tenant investors, in proportion to the rents paid by them. Each tenant investor's share of profits is credited to him first as a repairs fund, and then capitalised until it holds the value of the house tenanted by him, after which all dividends may be withdrawn in cash.

In such societies, it should be possible for an individual to obtain practically all the economic advantages which would arise from the ownership of his own house. Capital is obtained at a rate of interest below which the individual could not usually borrow to build or buy his own home, whilst the preliminary and other expenses are less than under the individual system. By taking as his security scrip for stock in an association of tenant stockholders, instead of the deed of a particular site and house, the tenant shares the risk of removal with his co-partners in the tenancy of the estate. The value of his accumulated savings is therefore kept up, and can be transferred, if desired, at less cost than if it were land or house property of the same value. The results of a workman's thrift, as well as of his labour, are in this way made mobile ; and this is important if he is to get the maximum reward for his knowledge and industry. Further, tenants having an interest in the capital of the society are encouraged to promote its welfare.

The houses as completed are in most cases occupied by investors, who in addition to paying the usual market rent for the premises, increase their holding of capital by small periodic payments until each tenant's investment reaches an amount which varies somewhat in the different societies. Economy in developing is followed by economy in administration. Tenants are required to pay for the internal repairs, apart from those of a structural nature. Thus they naturally keep the necessity for such work as small as possible. The society undertakes the external and structural repairs. The rent bonuses being drawn from surplus profits, each tenant is encouraged to do his best to help the society, and the greater the efforts of the tenants in the direction of economy, the larger the rent bonus is likely to be. Loss of revenue by non-payment of rent is avoided by the society having a lien on the tenants' investments. The societies have not been at work long enough to test the full economic advantages of this system, or to allow of a final estimate being made of what those will prove to be. After meeting all charges and paying 5 per cent. interest on capital, the Ealing and Hampstead Societies have been able to declare dividends varying from 1s. to 2s. in the £ on rent. Provision is made for ensuring that capital is available in years to come for keeping the property of an estate at least equal in value to that of other competing estates appealing to the same class of tenants. No one can say what the







taste or standard of demand will be in any direction in thirty, forty, or fifty years. Architecture, methods of sanitation, heating, provision of open spaces—any or all of them may undergo a change involving expenditure. The existence of a vast amount of unlettable residential property in and near our big towns to-day is largely due to the fact that the owners (frequently small ones) have no capital fund by means of which the property can be brought up to the needs and demands of the time. To provide for this each society creates a Sinking Fund at the rate of 10s. per cent. per annum, which, capitalised at  $3\frac{1}{2}$  per cent., will give the sum expended on the property in sixty years.

The introduction of the Co-partnership principle marks (says Mr. Raymond Unwin, the consulting architect to the Co-partnership Tenants Ltd.), a new era in housing; for not only is the individual likely to procure for himself a better house and larger garden by obtaining them through a Co-partnership society than by any other means, but the introduction of co-operation opens up quite a new range of possibilities. For through the medium of co-operation all may enjoy a share of very many advantages, the individual possession of which can be attained only by the few. The man who is sufficiently wealthy may have his own shrubberies, tennis courts, bowling green, or play-places for his children, and may, by the size of his grounds, secure an open and pleasant outlook from all his windows; but the individual possession of such grounds is quite out of reach of the majority. A co-partnership association can, however, provide for all its members a share of these advantages and of far more than these. In fact, the scope of the principle is limited only by the power of those who associate to accept and enjoy the sharing of great things in place of the exclusive possession of small things. In exceptional cases some enlightened owner or company may so lay out an estate as to provide for the common enjoyment of some of the advantages of the site; but usually everything is sacrificed which will not produce a revenue, and which cannot be divided up into the individual self-contained plots, marked by the maximum degree of detachment, which are so desired by those who know only of individual possession and have not learned the joys of sharing. Where a site is being developed on co-partnership lines the whole position is changed. Instead of thinking and planning for only a chance assortment of individuals there is now a whole to be thought of. A home is to be planned for a community having something of organised life. A centre is needed for this life; institutes, clubs, schools, or places of worship may form such a centre, towards which the design can be made to lead. The site can be thought out and planned as a whole, and the certainty of some degree of co-operation will enable spots of natural beauty and distant views of hill and dale to be preserved for common enjoyment. Play places and shelters for the children, greens for tennis, bowls, or croquet, can be arranged, with the houses so grouped around them that while they provide the occupants with ample recreation ground they also both afford more pleasant prospects from the windows and more attractive views for the streets. In this way, instead of the buildings being mere endless rows, or the repetition of isolated houses having no connection one with the other, they will naturally gather themselves into groups, and the groups again clustered around the greens will form larger units, and the interest and beauty of grouping will at once arise. The principle of sharing, therefore, not only causes each individual house to become more attractive, but gives to the whole area covered that coherence which, springing from the common life of the community, expresses itself in the harmony and beauty of the whole. This harmony of outward expression must in turn react on the life that flourishes under its influence, at once stimulating the growth of co-operation and giving wider opportunities for its practice.

Some of the co-partnership estates have now been established sufficiently long to allow of an examination of some practical social results of the system, and as far as these



are at present available they are most encouraging. It is found that tenants respond readily to the various opportunities for mutual help and joint action. Gardening (with collective buying and periodical flower shows); lectures and classes; sports and recreations of all kinds; are popular on all the estates, and a high standard of social activity is reached. More important, however, are the improved health conditions revealed by recent independent statistics. Dr. Andrew, the Medical Officer of Health for Hendon (the Urban District in which the Hampstead Garden Suburb is situated), gives some interesting figures in his Report for 1913. The gross Death Rate for the whole of his District is 11.74 per 1,000; for the Suburb the rate is 6.54; the rate for England and Wales is 13.4. The particulars of Infant Mortality are equally striking: the rate for the Hendon District is 85 per 1,000; for the Suburb, 40; for England and Wales, 109.

### THE FINANCIAL METHODS OF PUBLIC UTILITY SOCIETIES.

The following analysis of the financial methods of Public Utility Societies is taken from a Report by Councillor Harold Shawcross:—

A Public Utility Society is defined in the Housing and Town Planning Act (1909) as "A Society registered under the Industrial and Provident Societies Act, 1892, or any amendment thereof, the rules whereof prohibit the payment of any interest or dividend at a rate exceeding 5 per cent. per annum. The shares have limited liability, and the holding of any shareholder must not exceed £200.

These Companies for Housing are generally, though not always, called Co-partnership Societies, and this name gives perhaps the best idea of their aim, which is to make the tenant a partner in the undertaking in one form or another.

Their method of doing this is by buying land on the outskirts of a town where it is reasonable in price, and laying it out so as to provide houses with fair-sized gardens, playing grounds for children, allotments, and often bowling greens, tennis courts, &c., for the use of the tenants. The houses are usually built eight to twelve *to the acre*.

The Committee of Management is elected by the shareholders, and generally, though not always, includes one or more directors nominated by the tenants.

The capital is usually found by individuals who take up shares or advance money on loan at a low rate of interest because of their desire to help in the solution of the Housing question, and not, generally, from the point of view of an investment.

Dividends on shares are limited to 5 per cent. as a condition of obtaining a loan from the Public Works Loan Commissioners, and it is therefore not an investment that will appeal to every one.

They can count on getting a loan from the Public Works Loan Commissioners to the extent of two-thirds (altered this year to nine-tenths for schemes approved under the Housing No. 2 Act) of the valuation of the houses and land, and the Commissioners before granting the loan make certain stipulations as to the houses to be erected. These are chiefly concerned with maintaining a certain standard of construction and accommodation, and also with the keeping of the premises in good repair and in good sanitary condition.

They stipulate that the houses must be occupied by members of the working classes, and tenants are not allowed to sub-let or take in lodgers without permission.

The capital found by the tenants is generally subscribed in some of the following ways, viz:—Tenant shareholders; Money on Loan by Tenants; Tenants' Co-partnership Stock.

It is usual to require the tenant shareholder to apply for from £1 to £20 in shares before he takes possession of a house, and he has then to subscribe for more shares until he has a certain amount invested in the society. The shares are transferable, but only to such persons as are approved by the directors.

The following clause from the rules of one society will explain above :—

“ The share capital of the society shall be raised by shares of the nominal value of £1 each. All shares shall be transferable only.

“ Instalments upon shares shall be payable as follows : On application, 1s. shall be payable on each share applied for ; on allotment, 9s. per share shall be payable ; and the balance shall be payable in instalments of not less than 2s. 6d. per month for each share.

“ A tenant member who has less than 50 shares in the society shall, as soon as he has paid up the shares allotted to him, apply for one additional share, and so on, until he has 50 fully paid-up shares at least. Such shares shall be payable in instalments of not less than 2s. 6d. per month.”

A grievance which sometimes occurs in Co-partnership schemes is that the tenant who from any cause has to leave his house, often finds he cannot get anyone to take over his shares. In some districts this entails a very real hardship on those tenants who find that they have to change their place of employment and consequently their residence, as their investment in the society often represents the whole of their savings.

This can be overcome by allowing any one, the uncertain character of whose employment precludes him from taking up shares, instead to place on deposit with the society a certain sum weekly until he has say £20 or more on loan. Interest would be payable on this, usually at 4 to 4½ per cent., and the amount would be repaid on the tenant leaving. The society would have a claim on this money in case of any arrears of rent, &c., owing by the tenant.

This is a form of investment for the tenants which is preferred by some societies to making the tenants shareholders in the undertaking. The interest of the tenants is thus not so great in the success of the society, and they have no say in the management, but it is still considerable, as they are allowed a bonus on rent out of the profits, and, of course, if the expenses of management and repairs are kept low, this may appreciably reduce their rents.

The following, from the rules of a recent society, will explain more fully the nature of this form of Stock :—

“ The investments of the tenants will be either in loan stock or in *Tenants Co-partnership Stock*, having preference over shares, applications for which must be for an amount equal to not less than two years' rent of the house to be occupied, on payment of which the tenant may be required from time to time to apply for further *Tenants Co-partnership Stock* equal to one year's rent, until a sum equal to an amount of ten times the rent of the house first occupied has been reached.

The amount of *Tenants Co-partnership Stock* applied for may be paid in full on allotment, or by instalments of not less than £5 on allotment, and the balance in equal monthly payments at the annual rate of at least £3 or 10 per cent. of the yearly rent whichever is the greater.



The Interest on Tenants Co-partnership Stock when paid *in full* on allotment for an amount of not less than a sum equal to two years' rent will be at the rate of  $4\frac{1}{2}$  per cent. per annum—in other cases at the rate of 4 per cent. per annum.

Tenants Co-partnership Stock holders will have the additional advantage of sharing in the surplus profits in accordance with the rules of the society, such profits being credited as a dividend on rent which forms a fund towards meeting the cost of tenants' repairs.

Investments are transferable, but are not withdrawable. A tenant leaving the estate may sell his stock, subject to the rules of the society, or may continue to hold it and receive the dividends, subject, however, to the Board not exercising their power to repay the investments of tenants leaving their houses."

This system of housing has many good points about it. The drawback has been in some of the societies that the houses have not appealed to many of the working classes of the artisan type. This has been because often the societies have required too much to be paid in shares before letting the tenant get possession of the house, and also because the rents of the houses have been above the means of the ordinary working man, owing to too good a class of house having been built.

There is sometimes a difficulty in respect to finance which interferes with the quick development of an estate by a Public Utility Society.

It is necessary before an advance can be obtained on a loan granted by the Public Works Loan Commissioners that some houses should be finished and ready for occupancy.

Complaint is made that consideration of the scheme, after application has been made for an advance often involves some delay so that the society comes temporarily to the end of its resources whilst waiting for the loan.

Schemes are thus held up, and as the economical development of an estate depends to a great extent on its rapid and steady progress, unnecessary costs are incurred by the delay and building has sometimes to be stopped for a time.

Loans are made by the Commissioners for either thirty or forty years. For the former period the rate of interest charged up to the time of the War was  $3\frac{1}{2}$  per cent., and the interest and repayment charge worked out at £5 8s. 9d. per cent. for thirty years. For forty years the rate was  $3\frac{1}{2}$  per cent., and the total charge over the whole of this period was £4 17s. 4d.

The valuation for the sum to be advanced would appear to be calculated in some degree upon the rental of the property, and thus if the houses are let at the lowest possible rent the sum advanced is less. If, on the other hand, the society charges the highest possible rent it can command, the sum advanced will be more.

In fixing the amount to be advanced, regard appears to be also given to the nature of the building, and if this is substantial, and the houses well built, more is given.

In most societies only outside repairs are done by the society. Some societies adopt the plan of setting aside each year from the rent a certain sum for repairs. Each house is debited with the cost of any repairs it has needed, and at the end of a certain number of years a balance is struck, and if there is anything to the credit of the house it is handed over to the tenant in cash or credited to him towards any sum payable on his shares.



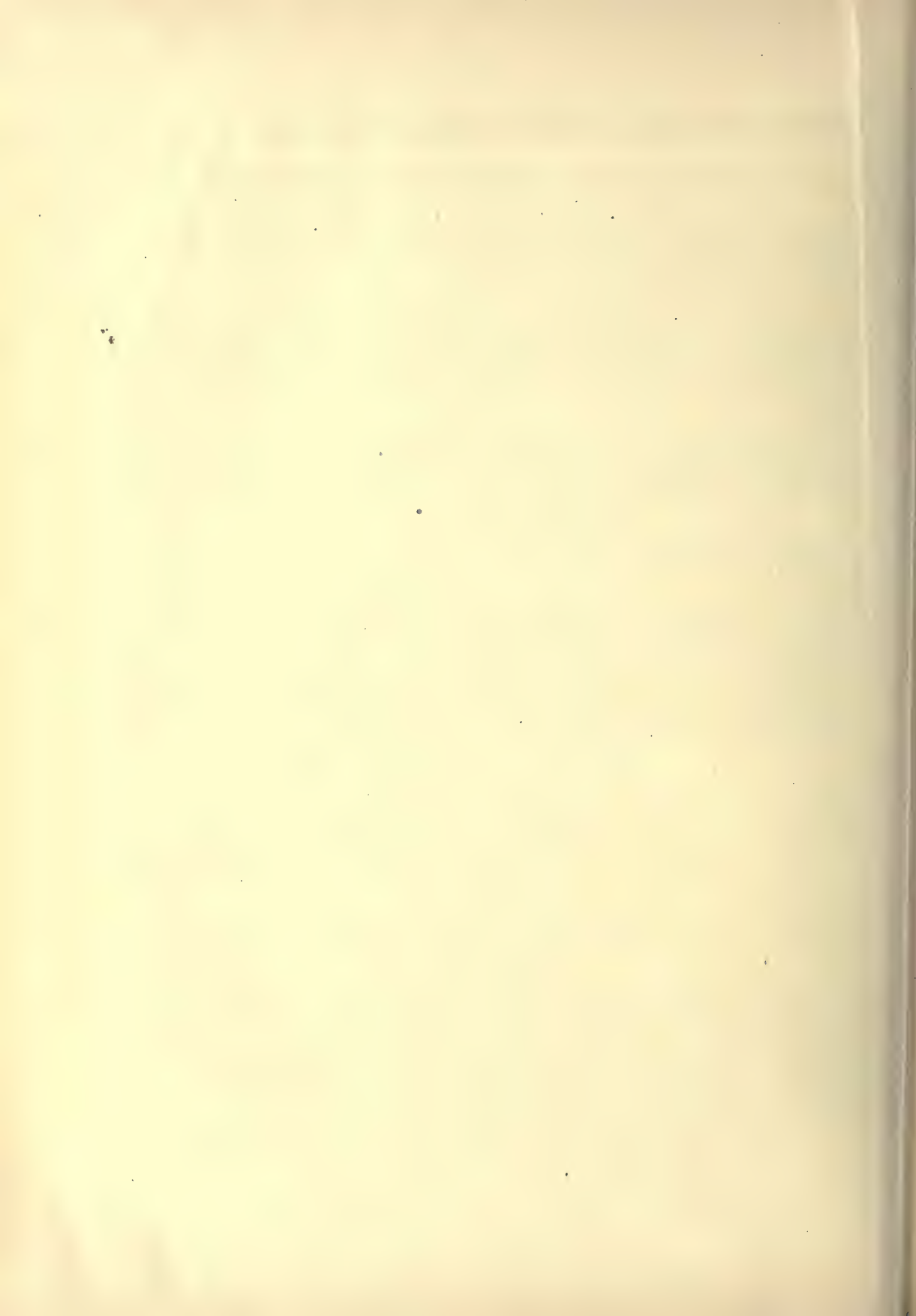
The following extract from the prospectus of one society shows the advantages of this kind of Housing enterprise :—

“ It is an essential feature of the scheme that the tenants occupying the houses should be investors in the society. They thus share the risk of capital and equally benefit by its profits.

Arrangements are made whereby tenants subscribe capital by small instalments, thus enabling those who have only small sums to invest to become tenants. Whilst all usual external and structural repairs are a general charge on the society's revenue, internal repairs and decorations have to be done at the expense of the tenants. The careful tenant is thus able to benefit directly from his good treatment of the house he occupies.

It is also provided in the rules that when the society earns profits which leave a surplus after the dividend on shares has been paid, such surplus shall be allocated to general educational and social purposes which benefit the whole of the tenants and to paying dividends or bonuses to tenants on the actual rents paid. The society is protected from loss through failure to pay rent by having a lien on the tenant's invested capital. On the other hand, tenants are encouraged to help in keeping administration expenses low and in maintaining the property in good condition by the fact that surplus profits, after dividends on shares have been paid, revert to them.”

Some societies charge a rent for their houses sufficiently high to cover the interest charged, so that the houses are paid for to the extent of two-thirds of their value, at the end of the repayment period. Other societies, however, base their rent charge on the repayment over sixty years, which is the period a Local Authority can borrow for and which is supposed to be the life of the house. When this is done there will be a deficit each year, and unless the tenant's contributions make this up, the society is obliged to resort to further borrowings, which are often difficult to obtain.



## CHAPTER IX.

## THE EFFECT OF TOWN PLANNING LEGISLATION ON HOUSING FINANCE.

**I**N order to gain a clear idea as to the probable effects of Town Planning legislation on Housing Finance in the future, it will be of service to pass in review the various methods by which in the past the cost of developing working class estates has been met.

On enquiry it will be found that in the past the work of developing working class housing estates has been undertaken :—

- (1) By private enterprise, viz. : by solicitors (acting for clients), banks, building societies, landowners, land developers and builders, acting either independently or in co-operation ;
- (2) By Societies of Public Utility ;
- (3) By philanthropic societies and employers of labour ;
- (4) By Local Authorities.

## ACTION BY SOLICITORS (ACTING FOR CLIENTS), BANKS, BUILDING SOCIETIES, LANDOWNERS, LAND DEVELOPERS AND BUILDERS ACTING EITHER INDEPENDENTLY OR IN CO-OPERATION.

How important a factor private enterprise has been in the past will be made clear in comparing the figures relative to municipal and public utility society housing effort with the figures of housing effort of all kinds.

The following table gives the yearly increase of dwelling-houses under £20 in annual value (including statutory separate dwellings) 1900-1901 to 1912-1913 :—



YEARLY INCREASE OF NUMBER OF DWELLING-HOUSES UNDER £20 IN ANNUAL VALUE (INCLUDING STATUTORY SEPARATE DWELLINGS).

Financial Year.	Total number of dwelling-houses.	Increase over previous year.
1900-01 .. ..	5,613,000	—
1901-02 .. ..	5,703,000	90,000
1902-03 .. ..	5,791,000	88,000
1903-04 .. ..	5,833,000	42,000
1904-05 .. ..	5,935,000	102,000
1905-06 .. ..	6,048,000	113,000
1906-07 .. ..	6,128,000	80,000
1907-08 .. ..	6,208,000	80,000
1908-09 .. ..	6,280,000	72,000
1909-10 .. ..	6,368,000	88,000
1910-11 .. ..	6,379,000	11,000
1911-12 .. ..	6,459,000	80,000
1912-13 .. ..	6,506,000	47,000

As a number of working class houses are destroyed each year either as unfit for habitation or to provide sites near the centres of towns for factories and business premises, the number of houses actually erected will be in excess of these figures. Taking these figures as they stand, however, it will be seen that for the period of ten years, 1903-4 to 1912-13, the average yearly increase in the number of dwelling-houses of an annual value of less than £20 was 71,500.

If the average cost per house, land and roads be taken as £200, this means that on an average during this period at least £14,000,000 was thus invested per year.

It will be seen from figures given later in this chapter that the expenditure by all the other methods combined has not greatly exceeded £1,000,000 a year, so that upwards of 90 per cent. of the money provided for the development of working class housing estates has been provided by private enterprise.]

The way in which money has been provided for these operations by private enterprise is summarised in the Report of the Land Enquiry Committee, and is reproduced here by permission of the Committee :—

In some localities, especially in London and in rapidly-growing towns, large numbers of houses have been supplied by builders, sometimes individuals and sometimes limited companies, employing a considerable amount of capital. But, taking the country as a

whole, the brunt of the building of working-class houses has fallen upon the small speculative builder, who works with a narrow margin of capital, and the bulk of whose capital has been supplied by a local building society, a bank, a solicitor, or the owners of the land. He relies on getting two-thirds, or occasionally as much as three-fourths, of the money on mortgage, and the rest either from past profits or on loan from those who know him personally and have confidence in him.

Since he works with so narrow a margin of capital, it is essential for him, if he is to continue building, to sell his houses quickly. Sometimes, in the case of leasehold property, he creates an improved ground rent. In freehold towns he usually sells the freehold with the house, but occasionally he sells the property subject to a chief rent, which he either retains himself or disposes of to another investor.

Returns from the Inland Revenue give us some idea of the class of people who buy the houses. Although the figures published do not permit of an accurate analysis, they clearly show that a very considerable proportion—probably much more than one-half—of the total number of working-class houses are owned by people who leave less than £5,000 at their death,\* and who purchase the houses either for their own occupation or as an investment. Those who buy for investment often obtain a mortgage on the houses, and expect to secure a fairly high rate of interest upon their own capital. The success of the building industry thus depends not only upon the enterprise of builders and those who finance them, or the willingness of tenants to pay rents, but upon the willingness of the small investor to purchase.

#### THE ACTION OF BUILDING SOCIETIES, CO-OPERATIVE SOCIETIES, AND TRADE UNIONS.

Of the sources of supply of capital named above, it is only possible to give accurate figures in regard to one source, viz. : that of the Building Society.

The title "Building Society" is somewhat misleading, because these societies do not build, and their operations are confined entirely to the provision of capital, generally for the purchase of the houses when built.

The scope and character of the work of these Building Societies can be seen from the following Table :—

Year.	Number of Societies making Returns.	Total Number of Members.	Amount Advanced on Mortgages during Year.	Total Amount of Mortgages.
1906	1,964	616,729	9,318,979	55,639,068
1907	1,910	623,047	9,793,706	57,334,879
1908	1,864	622,614	9,041,613	58,379,215
1909	1,801	629,549	9,134,461	59,318,681
1910	1,747	629,621	9,390,700	60,583,426
1911	1,670	605,209	9,004,093	60,603,654
1912	1,637	608,737	8,438,256	60,891,410
1913	1,611	617,801	9,244,570	61,639,132

\*The average value of all the estates under £5,000 is £962.

An interesting variation in this work of providing capital to purchase houses has been that of Industrial Co-operative Societies throughout the kingdom.

It will be seen from the following Table (prepared in 1913) that two methods have been adopted :—

(a) the advancing of money to members for the purchase of houses (this method is in effect the same method as that adopted by Building Societies) : and	
(b) the selling or leasing of houses to tenants.	
Co-operative Societies who have building departments ..	413
Money lent to members for the purchase of their houses ..	£6,532,000
Number of houses so built .. .. .	32,000
Money spent by societies on houses built and afterwards	
sold to members .. .. .	£1,232,000
Number of houses so built and sold .. .. .	5,577
Money spent by societies on building houses let to members	£1,839,000
Number of houses so let .. .. .	8,530
Total—46,707 houses at a capital cost of .. .. .	£9,603,000

Trade Unions have also lent money to their members for the purpose of building cottages.

#### THE DEVELOPMENT OF WORKING CLASS HOUSING ESTATES BY SOCIETIES OF PUBLIC UTILITY.

The growth of Societies of Public Utility was slow until the passing of the Act of 1909, and until the inclusion in that Act of a Clause enabling the Public Works Loans Commissioners to lend up to two-thirds of the money, needed to develop working class estates, to societies registered under the Friendly and Provident Societies Act.

The Clause of the Act reads as follows (Clause 4) :—

- (1) Where a loan is made by the Public Works Loan Commissioners under section sixty-seven, sub-section (two) (d) of the principal Act, to a Public Utility Society, the words "two thirds" shall be substituted for the words "one moiety."
- (2) For the purposes of this section a Public Utility Society means a society registered under the Industrial and Provident Societies Act, 1893, or any amendment thereof, the rules whereof prohibit the payment of any interest or dividend at a rate exceeding five pounds per centum per annum.

The Clause referred to in the principal Act, viz. : the Act of 1890, is Clause 67. Section (1) of this Clause is as follows :—

- (1) In addition to the powers conferred upon them by any other enactment, the Public Works Loan Commissioners may, out of the funds at their disposal, advance on loan to any such body or proprietor as hereinafter mentioned ; namely—



- (a) any railway company, or dock or harbour company, or any other company, society, or association, established for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of dwellings for the working classes, or for trading or manufacturing purposes (in the course of whose business, or in the discharge of whose duties, persons of the working classes are employed);
- (b) any private person entitled to any land for an estate in fee simple, or for any term of years absolute, whereof not less than fifty years shall for the time being remain unexpired;

and any such body or proprietor may borrow from the Public Works Loan Commissioners such money as may be required for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of dwellings for the working classes.

The extent to which Clause 67 of the Act of 1890, and Clause 4 of the Act of 1909 have been used will be seen from the following Table :—

AMOUNTS ADVANCED BY THE PUBLIC WORKS LOAN COMMISSIONERS TO PUBLIC UTILITY SOCIETIES, COMPANIES, OR PRIVATE PERSONS UNDER THE HOUSING OF THE WORKING CLASSES ACTS SINCE THE YEAR 1890.

Year ended 31st March.	Amount Advanced.	Year ended 31st March.	Amount Advanced.
(1)	(2)	(1)	(2)
1891 .. ..	£ 44,020	1903.. ..	18,375
1892 .. ..	9,000	1904.. ..	16,185
1893 .. ..	17,800	1905.. ..	36,490
1894 .. ..	44,700	1906.. ..	27,050
1895 .. ..	23,115	1907.. ..	18,536
1896 .. ..	23,200	1908.. ..	51,010
1897 .. ..	21,700	1909.. ..	67,292
1898 .. ..	36,250	1910.. ..	95,411
1899 .. ..	7,500	1911.. ..	283,969
1900 .. ..	22,500	1912.. ..	198,336
1901 .. ..	23,270	1913.. ..	175,085
1902 .. ..	57,100		
		Total ..	£1,317,894

The scope and possibilities of Public Utility Society work have been dealt with in the preceding chapter, and need not therefore be dealt with here.

#### ACTION IN COTTAGE BUILDING BY PHILANTHROPIC SOCIETIES AND BY EMPLOYERS OF LABOUR.

The extent of the action taken in this respect has been great in its influence, but relatively small in bulk.

Taking philanthropic societies first in order the operations have been confined to the building of blocks of tenements in great towns, and these do not come within the scope of this book. Action in cottage building has, however, been taken by some of the societies in the suburbs of London, including the Peabody Trustees, the Sutton Trust, &c. The methods of lay-out adopted by these societies do not possess any special features, and their total expenditure on cottage building over a series of years does not reach £500,000.

It is, however, significant to note that these societies are breaking away from their past methods by building cottages instead of blocks of dwellings, and it is to be hoped that in the future their funds will be devoted to this new field of work.

The most valuable examples of cottage building by employers of labour are those of Bournville, Port Sunlight, New Earswick, Hull, Woodlands, &c. These have had an enormous educational value, as will be seen from the descriptions given in the preceding chapter.

#### THE EXTENT TO WHICH THE HOUSING POWERS OF LOCAL AUTHORITIES HAVE BEEN USED.

The Table given on page 433 is reproduced from the Annual Report of the Local Government Board on Housing and Town Planning, and shows the action taken by Local Authorities in building cottages and developing working class estates up to and including the year 1913.

It will be seen from this Table that since the passing of the Act of 1909 (Part I. of which was devoted to Housing as distinct from Town Planning) the building of cottages by Local Authorities has been greatly stimulated.

The character and extent of the powers possessed by Local Authorities are described in Chapter X., and therefore need not be dealt with here.

It may however be noted that for the year 1913 the total amount expended by Local Authorities reached a total of £759,440.

#### THE PREPONDERANCE OF PRIVATE ENTERPRISE IN COTTAGE BUILDING.

Whilst, however, house building by Local Authorities is rapidly growing, it is essential to a clear appreciation of the present situation that the great preponderance of private enterprise in house building should be recognised. Quite ninety per cent. of the money needed to develop housing estates and to build workmen's cottages is provided by private enterprise in one form or another—whether by solicitors (acting for clients), banks, syndicates of builders, landowners and land developers, or building societies. All other forms of action taken together have not, even in recent years, been responsible for the supply of more than ten per cent. of the sums needed to develop estates and build cottages for workmen.

LOANS SANCTIONED BY THE LOCAL GOVERNMENT BOARD TO LOCAL AUTHORITIES IN ENGLAND AND WALES AND EXCLUDING THE COUNTY OF LONDON FOR PURPOSES OF PART III. OF THE HOUSING OF THE WORKING CLASSES ACT, 1890, IN EACH YEAR SINCE THE PASSING OF THAT ACT.

Year ended 31st March.	Urban Authorities.			Rural Authorities.			Totals—Urban and Rural Authorities.		
	Number to which loans were sanctioned in the year.	Number to which loans were sanctioned in the year for the first time.	Amount sanctioned.	Number to which loans were sanctioned in the year.	Number to which loans were sanctioned in the year for the first time.	Amount sanctioned.	Number to which loans were sanctioned in the year.	Number to which loans were sanctioned in the year for the first time.	Amount sanctioned.
(1.)	(2.)	(3.)	(4.)	(5.)	(6.)	(7.)	(8.)	(9.)	(10.)
1891 .. ..	—	—	nil.	—	—	nil.	—	—	nil.
1892 .. ..	1	1	11,550	—	—	nil.	1	1	11,550
1893 .. ..	1	1	2,000	1	1	1,700	2	2	3,700
1894 .. ..	1	1	17,350	—	—	nil.	1	1	17,350
1895 .. ..	2	1	8,200	—	—	nil.	2	1	8,200
1896 .. ..	—	—	nil.	—	—	nil.	—	—	nil.
1897 .. ..	5	3	34,487	—	—	nil.	5	3	34,487
1898 .. ..	4	3	36,800	—	—	nil.	4	3	36,800
1899 .. ..	7	2	94,833	—	—	nil.	7	2	94,833
1900 .. ..	18	14	279,967	1	1	1,800	19	15	281,767
1901 .. ..	17	10	400,602	—	—	nil.	17	10	400,602
1902 .. ..	24	12	225,949	—	—	nil.	24	12	225,949
1903 .. ..	14	6	126,504	1	—	1,850	15	6	128,354
1904 .. ..	18	6	187,670	2	2	2,250	20	8	189,920
1905 .. ..	17	5	201,071	1	—	200	18	5	201,271
1906 .. ..	13	6	88,910	1	1	2,500	14	7	91,410
1907 .. ..	10	2	71,114	1	1	1,500	11	3	72,614
1908 .. ..	11	2	58,727	1	1	21,500	12	3	80,227
1909 .. ..	11	2	86,703	1	—	1,800	12	2	88,503
1910 .. ..	11	3	147,824	2	1	12,230*	13	4	60,054
1911 .. ..	12	7	101,342	1	—	250	13	7	101,592
1912 .. ..	29	17	201,566	16	15	27,445	45	32	229,011
1913 .. ..	46	26	335,875	22	14	59,557	68	40	395,432
1914 .. ..	79	49	565,860	45	33	193,580	124	82	759,440
Totals ..	—	179	3,184,904	—	70	328,162	—	249	3,513,066
Averages for 1891-2 to 1913- 14 (23 years).	15.3	7.8	138,474	4.2	3.0	14,268	19.5	10.8	152,742
Averages for 1899-1900 to 1902-3 (4 hea- viest consecu- tive years prior to 1909-10).	18.3	10.5	258,256	0.5	0.3	912	18.8	10.8	259,168
Averages for 1891-2 to 1909- 10 (19 years).	9.7	4.2	104,224	0.6	0.4	2,491	10.3	4.6	106,715
Averages for 1910-11 to 1913-14 (4 years).	41.5	24.8	301,161	21.0	15.5	70,208	62.5	40.3	371,369

\*Including £11,960 sanctioned to County Council on default of Rural District Council.



## THE FUTURE OF HOUSING FINANCE.

It will be of service to consider how far the future of housing finance is likely to be affected by Town Planning legislation—more especially as in recent years grave forebodings have been expressed in regard to the willingness or ability of builders and land developers to continue their work of estate development and cottage building.

In regard to the builder there is no need to indulge in any gloomy forebodings as to the future of his energies. The adoption of new methods of providing capital for the work of building development need not be detrimental to his interests. As a builder his work is to build houses, and although he may in the past have acted as a kind of intermediary between the financier who lends the money and the purchaser of his house—and in some cases has acted as a financier himself—yet his real work is that of building houses. In this capacity it does not matter to him who provides the capital so long as he secures the work of building the houses and if, indeed, he can be relieved from the financial anxiety which often embarrasses him, he will be able to do his work with greater economy.

Turning to the problem as it affects the land developer, it must be recognised that prior to the passing of the Finance Act (1909) there were signs that the greater ease with which money could be invested in Joint Stock undertakings, and the amounts of such investments realised at the will of the investor, had attracted into other fields some of the capital hitherto available for building.

But since the passing of the Finance Act the stream of capital flowing into the field of estate development and building operations has been further diminished. In all legislation which is the subject of fierce party controversy the wish is so often "father of the thought," that it is difficult to disentangle the facts from the fears and to arrive at an impartial judgment. But it would seem to be clear that the inclusion of dwelling-houses in those forms of property, which, under the Finance Act of 1909, must be made the subject of provisional valuation, has had the effect of shaking to its foundations the whole process of lending money on mortgage. Solicitors have found in many cases that the declared value of property under the process of provisional valuation is less than the amount which their clients have lent on it, and in the interests of the latter have felt bound to ask for the amount thus lent to be reduced. But, as the security is not good, the owners of the property have been unable to borrow the necessary money, and much distress and suffering has been experienced by many investors who have invested the savings of a lifetime in the purchase of small houses.

The indirect effect has been even more profound. Those responsible for the giving of advice as to forms of investment or for the making of actual investments, have had their confidence profoundly shaken, and now prefer to advise their clients to choose fields of investment other than that of house property.

There are three special reasons why in the future the supply of capital by banks, solicitors acting for clients, and other investors may be greatly diminished. These reasons may thus be stated :—

- (1) There is a tendency—already noted above—on the part of the small investor to invest his money in shares in various industrial companies, the dividends on which are steady. For many years past men in command of large amounts of capital have ceased investing in house property on the ground that better interest can be secured with far less trouble by placing their money in these forms of investment. The small investor shows signs of being inclined to copy his example, and when once he realises the opportunities for investment thus presented, and the lessened personal responsibility for oversight and management, there may be a great diminution in the amount of capital invested in working class houses by small investors.
- (2) With the placing of estates under Town Planning control the chance of making large profits on small deals in land will diminish, and this may result in a diminution in the amount of capital invested.
- (3) With the growing mobility of labour the desire on the part of workmen to purchase their own houses may diminish in strength and volume.

It seems clear, therefore, that those who are interested in the better housing of the people and desire to see that developments shall be on proper lines under Town Planning schemes, must be prepared to give earnest thought and study to the methods by which the shortage of supply of private capital may be made up.

In the following chapter a series of suggestions are outlined. It is hoped that these will serve the purpose of stimulating thought on the subject.

The urgency of the need for framing new proposals and devising new methods is beyond question. In the years following the war period—during which this book has been written—the housing problem will assume great proportions as a result of the shortage of private capital, and it will be nothing short of a great national blunder if the need for action is not foreseen, and if wise measures are not taken to secure that the danger of a house famine shall be avoided.





## CHAPTER X.

## MUNICIPAL ACTION IN REGARD TO THE DEVELOPMENT OF ESTATES AND THE BUILDING OF HOUSES BY MUNICIPALITIES, BY PUBLIC UTILITY SOCIETIES AND BY PRIVATE ENTERPRISE.

**I**N Chapter III. (Part II.) the desirability of Town Planning from the point of view of the landowner has been discussed in detail, and in a series of Tables an endeavour has been made to shew that, given the adoption of up-to-date methods, neither the landowner nor the land developer need fear the introduction of the new methods of lay-out which are generally associated with Town Planning schemes.

But, as stated in the preceding chapter, there is reason to fear that the supply of private capital to carry into effect the work of laying out estates and building houses, will be found inadequate in the next few years, and in the desire to avoid the disastrous results—direct and indirect—of a house famine, both Parliament and Local Authorities will be compelled to give serious consideration to the devising of new methods to secure the development of estates and the building of houses.

## THE ACQUISITION AND DEVELOPMENT OF MUNICIPAL ESTATES.

Taking the question of the development of estates first in order it is interesting to note that an important proposal is embodied in the Report of the Special Housing Enquiry Committee of the Birmingham City Council, over which Alderman Neville Chamberlain presided :—

“ Until recent years a constant migration of the working classes from the centre to the suburbs was taking place. This migration has almost ceased, not because the workman has changed his desires, but because the erection of new houses has so much diminished that it has become impossible to obtain accommodation in the outskirts. The result is that voids in the centre of the city are almost non-existent, and tenants ejected from a house on which a closing order has been made have nowhere to go. The Committee has thus been forced to the conclusion that building in the suburbs is a necessary preliminary to more drastic measures in the centre. After consideration of various alternatives, the Committee consider the best way of aiding the resumption is for the Council to purchase estates in the undeveloped areas, and, after developing them by constructing roads, laying sewers and mains, and providing easy access, to let off the building plots to public utility societies and builders, imposing suitable restrictions on ground rents.”

### THE EXISTING POWERS OF LOCAL AUTHORITIES IN REGARD TO THE ACQUISITION AND USE OF LAND FOR HOUSING PURPOSES.

In order to make the issue quite clear it will be of service to summarise the powers at present possessed by Local Authorities in regard to the acquisition and use of land for housing purposes under various Acts passed prior to 1909.

- (1) Land may be acquired—either by agreement or by compulsory purchase—for the purpose of providing houses for the working classes (Section 57, Act of 1890).
- (2) When land is acquired otherwise than by agreement the amount of the compensation to be paid shall in default of agreement be determined by a single arbitrator to be appointed by the Local Government Board (Section 7, Act of 1890).
- (3) Local Authorities may acquire land outside their districts either by agreement or by compulsory purchase, for the purpose of supplying the housing needs of their districts (Section 2, Act of 1900).
- (4) On the land thus acquired Local Authorities may build and let houses for the working classes (Part III., Act of 1890).
- (5) Local Authorities may on the land thus acquired, and subject to the approval of the Local Government Board, build and let (if desired jointly with any other person) as part of a Housing estate developed under Part III., “any building adapted for use as a shop, any recreation grounds or other buildings or land which in the opinion of the Local Government Board will serve a beneficial purpose in connection with the requirements of the persons for whom the dwelling accommodation or lodging houses are provided” (Section II. (1), Act of 1903).
- (6) Local Authorities may lease land acquired either by agreement or by compulsory purchase, to private individuals for the purpose of providing houses within the meaning of the Act of 1890. This power is given under Section 5 of the Act of 1900, and in view of its importance the greater part of the Section is here given in full :—

“The Local Authority may lease land acquired by them under and for the purposes of Part III. of the Principal Act to any lessee for the purpose and under the condition that the lessee will carry the Act into execution by building and maintaining on the land lodging houses within the meaning of the Act ; and the Local Authority shall insert in any lease provisions :—

- (1) Binding the lessee to build on the land as in the lease prescribed, and to maintain and repair the buildings, and

- (2) Securing the use of the buildings exclusively as lodging houses within the meaning of the Act, and
- (3) Prohibiting any addition to or alteration of the character of the buildings without the consent of the Local Authority; and also a provision for
- (4) The re-entry of the Local Authority on the land on the breach of any of the terms of the lease;

and every deed or instrument of demise of the land or buildings shall be endorsed with notice of this Sub-Section."

In the period prior to 1909 the most useful of these powers was without doubt the power given to Local Authorities to buy land by agreement and build houses thereon for the working classes. The power of compulsory purchase was hardly used at all—possibly because Local Authorities were reluctant to take this drastic step, and also because they feared that the procedure would be a costly one.

The power given to Local Authorities to lease estates to those desiring to build houses for the working classes has been almost a "dead letter" power—the only Local Authorities exercising this power being those of Birmingham and Hereford.

The power to build shops, and other buildings in connection with working class housing schemes, has not been extensively used, and where it has been used, has generally been limited to the building and letting of shops—for example, the Sheffield City Council have built shops on the ground floors of some block dwellings erected in the central parts of the city.

Under the Act of 1909 further powers were given to Local Authorities in regard to the purchase and use of land.

The most important of these powers may thus be summarised :—

- (1) Local Authorities are enabled to purchase land compulsorily by means of an order submitted to and confirmed by the Local Government Board, and the costs of the procedure—*e.g.*, in regard to solicitor's fees and other similar charges—are definitely laid down in a table issued by the Local Government Board under Schedule I. of the Act (Section 2 (1) and (2)).
- (2) Local Authorities may with the consent and subject to the conditions imposed by the Local Government Board, acquire land for the purposes of Part III. of the Act of 1890, "notwithstanding that the land is not immediately required for these purposes." This power to acquire and hold land for future use, however, does not apply when land is purchased compulsorily (Section 2 (3)).



- (3) Local Authorities may lay out estates acquired by them in the exercise of their powers under Part III. of the Act of 1890. The Section under which this power is given reads as follows :—

“ Any Local Authority in connection with the exercise by them of their powers under Part III. of the principal Act may lay out and construct public streets or roads on any land acquired or appropriated by them for the purpose of that part of that Act, or contribute towards the cost of the laying out and construction of any streets or roads on any such land by other persons on the condition that those streets or roads are to be dedicated to the public.”

- (4) Local Authorities may for the purpose of a Town Planning scheme, purchase any land comprised in such scheme by agreement, or can purchase any such land compulsorily (Section 60). This Section is also of great importance, and is given here in full :—

“ The responsible Authority may, for the purpose of a Town Planning scheme, purchase any land comprised in such scheme by agreement, or be authorised to purchase any such land compulsorily in the same manner and subject to the same provisions (including any provisions authorising the Local Government Board to give directions as to the payment and application of any purchase money or compensation) as a Local Authority may purchase or be authorised to purchase land situate in an urban district for the purposes of Part III. of the Housing of the Working Classes Act 1890, as amended by sections two and forty-five of this Act.”

“ Where land included within the area of a Local Authority is comprised in a Town Planning scheme, and the Local Authority are not the responsible authority, the Local Authority may purchase or be authorised to purchase that land in the same manner as the responsible authority.”

#### WHAT THESE POWERS MEAN.

Taken together these powers mean that Local Authorities can now :—

- (a) Buy land by agreement, or if necessary compulsorily, at a price to be fixed by an arbitrator appointed and removable by the Local Government Board, can lay out such land, and can then either prepare a Housing scheme themselves (letting the houses when erected), or can lease the sites under stringent conditions as to the building of houses for the working classes ;

(b) Purchase land for the purpose of a Town Planning scheme.

In regard to the value of these powers it would seem that :—

- (1) As far as the lay-out of housing estates and the building of houses by Local Authorities for the working classes, shops and some other buildings of definite service to the estate, the powers possessed by Local Authorities are adequate.
- (2) Whilst in theory Local Authorities are enabled to lease sites on municipal housing estates for development by private and semi-private enterprise, in practice the insistence that all the houses built shall be tenanted by working class families renders this power almost valueless. The days for developing purely working class areas are rapidly passing away, and housing and Town Planning reformers now recognise the fact that to construct an area entirely devoted to working class houses is to commit a blunder of the worst kind.

In a striking speech delivered at the opening of the International Town Planning Congress in 1910, Mr. John Burns said that it was necessary to "Westendise" the East End of London. That the housing problem of London will not be solved until Mr. Burns' dictum has been obeyed is quite clear. We must take all possible precautions against the process of creating purely working class housing areas. That rich people should desire to avoid living in dreary districts is only natural, but there is no reason why in the future we should repeat the faults of the past. Given good planning and the proper grouping of houses, and above all, the exercise of care in designing houses and in planting gardens, it should be possible to develop proper suburbs in which families of different classes can dwell to the mutual advantage of all.

#### THE BIRMINGHAM RECOMMENDATION.

Returning to the consideration of the recommendation made by the Birmingham Committee, it may be pointed out that the proposal is not a new one, for it will be seen on reference to the Report of the Deputation received by the Prime Minister and the President of the Local Government Board in November, 1906 (*vide* Appendix to Part I.), the following proposal was submitted as part of a comprehensive Housing and Town Planning policy :—

"That Local Authorities should be enabled to purchase and hold large estates in land on their outskirts, and to deal with such land on similar lines to those adopted at Bournville, and to secure this end, Local Authorities (subject, in the case of Parish and District Councils to the consent of the higher authorities) should be allowed to acquire such cheap and suitable land in large quantities *to use, or hold, or lease*, without necessarily specifying any immediate purpose or detailed scheme."

One criticism of the proposal which may be raised is that it does not provide for the sale of the freehold of the building sites when formed.



For many reasons it would seem to be desirable that when Local Authorities purchase estates they should not sell the land thus acquired, but so much has been said—and rightly said—in condemnation of the system under which at the end of a period of 99 years, with the termination of leases, the dwellings built on the land become the property of the ground landlord, that it is clear that Local Authorities in developing estates should endeavour to introduce a more equitable system. Such a system would be that of giving the leaseholder at the end of the term of lease the option of renewal on certain well-defined terms.

In the case of the Newcastle-upon-Tyne City Council provision has been made in the case of leases on the Walker Estate for the granting of leases for a full period of 525 years with a renewal every 75 years, in accordance with clearly defined terms. Such a lease should satisfy the most ardent desire to possess security of tenure and the effective ownership of the house and land.

In order to demonstrate the value of the proposal that Local Authorities should be empowered to purchase estates and have full freedom to lay out the land and lease sites, it will be of service to make a comparison with the establishment of the Hampstead Garden Suburb Trust.

This Trust owes its formation to the energy of Mrs. Henrietta Barnett, who with the aid of a number of public men interested in social betterment, undertook the responsibility of purchasing an estate belonging to the Eton College Trustees. Part of the estate borders the extension of Hampstead Heath, and the Trust in preparing the plan for the lay-out decided to charge high ground rents for this specially desirable land in order to enable them to lease other sites on the estate at moderate ground rents for working class dwellings, whilst restricting the number of houses to a maximum of 10 per acre over the whole estate. The result is that to-day the estate is one in which houses of poor, middle class and rich people are found—if not actually mingled together, at any rate in close proximity. From the first the scheme has been a financial success, and full scope has been given for all kinds of private and semi-private building effort. Room has been found for the private builder desiring to build and sell a house, as well as for the Co-partnership Tenants Society, with its programme of co-partnership housing.

The Trust acts as the ground landlord and includes in its rent per site a provision for the proper upkeep and general amenity of the estate.

What has been done by the Hampstead Garden Suburb Trust could be done by Local Authorities in various parts of the kingdom with general advantage to the whole community, and as the difficulty of dealing with the lay-out of land is the greatest with which the builder—and especially the small builder—is faced, the expenditure of municipal capital in this way should be welcomed most heartily by all builders who desire to make their profit on the building and sale of houses as distinct from the purchase and sale of sites.



From the point of view of the landowner the method should be equally welcome. The difficulties and anxieties inseparably associated with the development of land by poorly financed land developers will give place to confidence in dealing with a Local Authority with the credit of the community behind it, and if the Local Authority take the wise view that it is to their interest to render sites available at the lowest possible rents, consistent with the avoidance of loss—placing aside the temptation to make money in land deals—the result will be to stimulate greatly the action of builders and to render possible the development of Public Utility Societies.

How valuable a force for good in the provision of cheap and ample sites for workmen's homes the purchase of municipal estates might become will be made clear in the study of the following Table (pages 444 and 445).

In reading this Table it will be well to bear in mind the following points :—

- (1) That the rents are for raw land and do not include cost of development.
- (2) That in purchasing a large estate of land for the purpose of building development it is absolutely essential that a substantial amount should be added to the capital cost of purchase in order to provide for the period of years during which the estate is in process of transformation from agricultural use to building use. If the estate is purchased at a purely agricultural price then the need for this provision will not be great, but in the majority of cases it will be found that the annual interest charges will be greater than the agricultural rent received, and this will cause an annual deficit in the period of development, and this deficit must be provided for in fixing the rents for the developed land.
- (3) The rate of interest is taken at  $3\frac{1}{2}$  per cent.—the rate current before the war—and the period of repayment is taken as 80 years—the usual period allowed to Local Authorities by the Local Government Board for loans for the purchase of land.

It is difficult to understand why there should be any reluctance to give municipalities greater freedom to acquire and lease land, and the only objection which possesses any weight would seem to be that some corruption or favouritism might creep into the administration of these estates when developed. This, however, does not constitute a reason for denying to Local Authorities the power to acquire municipal estates and develop them, but rather for so safeguarding the lines of such development as to secure that the administration shall be on sound and good lines.

Annual and Weekly Rents of Land for (St  
lines with from 10 to 20 houses per a  
all other estate charges) of from £10

Number of Houses to the acre.	£100 per acre.		£200 per acre.		£300 per acre.		£400 per acre.		£500 per acre.	
	Annual charge per acre £3 15 0 (actual annual amount per £100 £3 14 9½), being interest and sinking fund for repayments on annuity system for 80 years loan of £100 at 3½ per cent.		Annual charge per acre £7 10 0 (actual annual amount per £100 £3 14 9½), being interest and sinking fund for repayments on annuity system for 80 years loan of £200 at 3½ per cent.		Annual charge per acre £11 5 0 (actual annual amount per £100 £3 14 9½), being interest and sinking fund for repayments on annuity system for 80 years loan of £300 at 3½ per cent.		Annual charge per acre £15 0 0 (actual annual amount per £100 £3 14 9½), being interest and sinking fund for repayments on annuity system for 80 years loan of £400 at 3½ per cent.		Annual charge per acre £18 0 0 (actual annual amount per £100 £3 14 9½), being interest and sinking fund for repayments on annuity system for 80 years loan of £500 at 3½ per cent.	
	Annual Rent for each Cottage Site.	Weekly Rent for each Cottage Site.	Annual Rent for each Cottage Site.	Weekly Rent for each Cottage Site.	Annual Rent for each Cottage Site.	Weekly Rent for each Cottage Site.	Annual Rent for each Cottage Site.	Weekly Rent for each Cottage Site.	Annual Rent for each Cottage Site.	Weekly Rent for each Cottage Site.
	£ s. d.	s. d.	£ s. d.	s. d.	£ s. d.	s. d.	£ s. d.	s. d.	£ s. d.	s. d.
10	0 7 6	0 1 ¾	0 15 0	0 3 ½	1 2 6	0 5 ¼	1 10 0	0 7	1 17 4	0 10
12	0 6 3	0 1 ½	0 12 6	0 3	0 18 9	0 4 ½	1 5 0	0 5 ¾	1 11 1	0 9
14	0 5 4½	0 1 ¼	0 10 8½	0 2 ½	0 16 0¾	0 3 ¾	1 1 5½	0 5	1 6 1	0 8
16	0 4 8½	0 1 ¼	0 9 4½	0 2 ¼	0 14 0¾	0 3 ¾	0 18 9	0 4 ½	1 3	0 7
18	0 4 2	0 1	0 8 4	0 2	0 12 6	0 3	0 16 8	0 4	1 0 1	0 6
20	0 3 9	0 1	0 7 6	0 1 ¾	0 11 3	0 2 ½	0 15 0	0 3 ½	0 18	0 5

on Estates developed on Town Planning  
 cost for land (apart from roads, sewers, and  
 0 per acre.

£600 per acre.		£700 per acre.		£800 per acre.		£900 per acre.		£1,000 per acre.	
Annual charge per acre £2210 0 (actual annual amount per £100 £3 14 9½), being interest and sinking fund for repayments on annuity system for 80 years loan of £600 at 3½ per cent.		Annual charge per acre £2650 0 (actual annual amount per £100 £3 14 9½), being interest and sinking fund for repayments on annuity system for 80 years loan of £700 at 3½ per cent.		Annual charge per acre £3000 0 (actual annual amount per £100 £3 14 9½), being interest and sinking fund for repayments on annuity system for 80 years loan of £800 at 3½ per cent.		Annual charge per acre £3315 0 (actual annual amount per £100 £3 14 9½), being interest and sinking fund for repayments on annuity system for 80 years loan of £900 at 3½ per cent.		Annual charge per acre £3710 0 (actual annual amount per £100 £3 14 9½), being interest and sinking fund for repayments on annuity system for 80 years loan of £1000 at 3½ per cent.	
Annual Rent for each Cottage Site. £ s. d.	Weekly Rent for each Cottage Site. s. d.	Annual Rent for each Cottage Site. £ s. d.	Weekly Rent for each Cottage Site. s. d.	Annual Rent for each Cottage Site. £ s. d.	Weekly Rent for each Cottage Site. s. d.	Annual Rent for each Cottage Site. £ s. d.	Weekly Rent for each Cottage Site. s. d.	Annual Rent for each Cottage Site. £ s. d.	Weekly Rent for each Cottage Site. s. d.
2 5 0	0 10½	2 12 6	1 0½	3 0 0	1 2	3 7 6	1 3¾	3 15 0	1 5½
1 17 6	0 8¾	2 3 9	0 10½	2 10 0	0 11½	2 16 3	1 1	3 2 6	1 2½
1 12 2	0 7½	1 17 6	0 8¾	2 2 10½	0 10	2 8 2¾	0 11¼	2 13 7	1 0½
1 8 2	0 7	1 12 10	0 7½	1 17 6	0 8¾	2 2 2¼	0 10	2 6 10½	0 11
1 5 0	0 6	1 9 2	0 7	1 13 4	0 7¾	1 17 6	0 8¾	2 1 8	0 9¾
1 2 6	0 5½	1 6 3	0 6	1 10 0	0 7	1 13 9	0 7¾	1 17 6	0 8½



It should, moreover, be borne in mind that many British Local Authorities already own large estates in land, and the fact that these estates bring in substantial revenues is in itself a proof that their management is in capable municipal hands.

The following are examples of annual revenues derived from municipal estates:—Liverpool £84,686, Bristol £23,419, Newcastle-upon-Tyne £13,980, Nottingham £15,483, Bath £17,500, Cardiff £9,000, Swansea £11,321, Great Yarmouth £14,612, Hull £20,000. These estates are for the greater part inherited from the 18th and 19th centuries.

Whatever dangers there may be, the value to the community of wise action in purchasing estates and in developing sites for building purposes is so great that Local Authorities should be entrusted with much greater powers than they at present possess.

It is now a commonplace saying amongst writers on municipal work in various countries that municipal administration is pure in Great Britain. The best proof that Parliament can give of a belief in the purity of British municipal administration will be to give these extended powers to Local Authorities, subject to wise central control by the Local Government Board.

#### THE PROVISION OF CAPITAL FOR COTTAGE BUILDING.

But the action of the Local Authority and the State may well be carried several stages further by the provision of capital to be lent at relatively low rates, to public utility societies, and—in certain well-defined cases—to private enterprise for the purpose of cottage building.

The arguments in favour of such action are many and powerful. Since 1890 we have, as a nation, been committed to the policy of giving full powers to Local Authorities to purchase land, and, after building houses, to let these to municipal tenants. Nothing could be more complete than this policy, and the suggestion now made is not an extension of it, but rather to give Local Authorities power to adopt a modification of this policy if they desire to do so.

As an example of the way in which existing powers might be made much more fruitful in good results reference may be made to the Small Dwellings Acquisition Act. With the exception of good work done by Local Authorities at Ilford, Gillingham, and elsewhere, this Act has failed to satisfy the hopes of those who framed it. But if Local Authorities could provide sites on estates developed by them, and would lend money for the purchase of houses built on these estates under the Small Dwellings Acquisition Act, the increase in practical value of the powers of the Act would be enormous.

## THE FORMATION OF MUNICIPAL PUBLIC UTILITY SOCIETIES.

Reference has already been made to the rapid growth in Public Utility Society work rendered possible by the granting of loans to these societies by the Public Works Loan Commissioners (under Clause 4 of the Act of 1909), up to two-thirds of the cost of construction of the houses. But it would be of great service if much of the work could be decentralised by giving power to Local Authorities to form Public Utility Societies.

Councillor Harold Shawcross in a Report has outlined an interesting scheme under which—given the removal of the present disabilities in regard to the purchase and lay-out of estates and the provision of capital—the Local Authority might take definite action.

“ Given the necessary amendments in legislation to enable action to be taken and houses being wanted in a town or district where a sufficient number can be built to make the project worth while (it will be found that 200 to 300 houses is a number which can be most economically managed) the Local Authority proceeds to buy an estate, to lay it out under Town Planning conditions, with expert advice if necessary, and to build suitable houses for the working classes. The best plan is doubtless to build houses for the better paid artisans, as these can be let at the best paying rents and they will attract a class who are willing to pay something extra each week so as to have a stake in the undertaking. Then the Council decide that a Co-partnership Society shall be formed.

“ The Directors might be six to eight. Four of them should be members of the Council, two should be elected by the tenants as representing their interests, and if found desirable two members could be elected who are interested in the question of Housing and Co-partnership, and living in the town or district. It would be an advantage if women were on such a committee.

“ The whole of the capital required for building the houses should be found by the Local Authority, who would decide that eight-tenths of same should be a first fixed charge on the property and receive interest at the rate at which the Local Authority borrowed the money. Of the remaining two-tenths, one-tenth should be treated as share capital belonging to the Local Authority, and the remaining one-tenth should be the tenants' share capital. At first this would not be paid up, and would be found by the Local Authority and considered to be a loan at 4 or 5 per cent. interest. As the tenants' contributions increased this would be gradually extinguished.

“ The Local Authority to charge a ground rent on the houses which would be leased to the society for eighty years. A fair sum to put down for this would be 8d. per week. It would not exceed this amount if land can be purchased at not more than £300 to £400 per acre.

“ Houses would be built of various sizes—probably ranging in cost from £160 to £250. Assuming that £200 was an average cost, the following is the calculation of what rent it should be necessary to charge on such a house, providing for the charges of the different interests involved.

## WEEKLY CHARGES FOR RENT ON HOUSE COSTING £200.

Ground Rent .. .. .	8d.
Interest on £160 (eight-tenths of capital) at $3\frac{1}{2}$ per cent. ..	2s 2d.
Interest on Local Authority's share of one-tenth—£20 at 5 per cent.	$4\frac{1}{2}$ d.
Interest on Shareholders Capital of one-tenth—£20 at 5 per cent.	$4\frac{1}{2}$ d.
Sinking Fund, $\frac{1}{2}$ per cent. on £200 .. .. .	5d.
Repairs and Maintenance .. .. .	10d.
Management and Collection .. .. .	5d.
Voids and Bad Debts .. .. .	4d.
 Total (exclusive of rates) .. .. .	 5s. 7d.

"The Local Authority would have to depend on the success of the society whether it got a dividend on its shares represented by one-tenth of the capital. The shareholders also would receive a dividend on the amount paid up by them on their shares. This dividend might be used to pay up the balance owing on their shares, or could be paid to them in cash.

"It will be seen that the three last items—repairs, management, and collection—amount to a good sum of money—on an estate of 200 houses it would mean £800 a year—and a good deal could be saved out of this which might be used for educational or social purposes for the benefit of the tenants, or it might be paid to the tenants in the form of a bonus on rents or credited to their unpaid share capital.

"The following conditions are suggested for an agreement between the Local Authority and the Society:—

Land to be leased to society for 80 years.

After 60 years, the loan charge having been repaid by sinking fund, the tenants to have rents reduced or a bonus paid on their shares each year.

After 80 years the property to revert to the Local Authority, who would repay the tenants the value of their shares. If at that period there was any further value in the property the society might be allowed to lease the property for a further short period.

Tenants to pay each week the sum of 6d. in addition to their rent, which would be credited to their share accounts until they each had £20 in shares paid up.

Should any tenant wish to leave his house and sell his shares he should be at liberty to do so to any one wishing to take the house he was leaving, but the Committee should have power to refuse an undesirable tenant. If he could not dispose of his shares they would remain to his credit in the society and he would receive dividends upon them when any were paid.

"Proper safeguards would be required to enable the Local Authority to insist on the property being kept in good condition, and possibly a clause should be put in making any alterations in rent subject to the sanction of the Local Authority."

Councillor Shawcross points out that the power to give assistance to Societies of Public Utility is already possessed by County Councils (but not other Local Authorities) under the Act of 1909 (Clause 72).



## COUNTY CO-OPERATIVE HOUSING SOCIETIES.

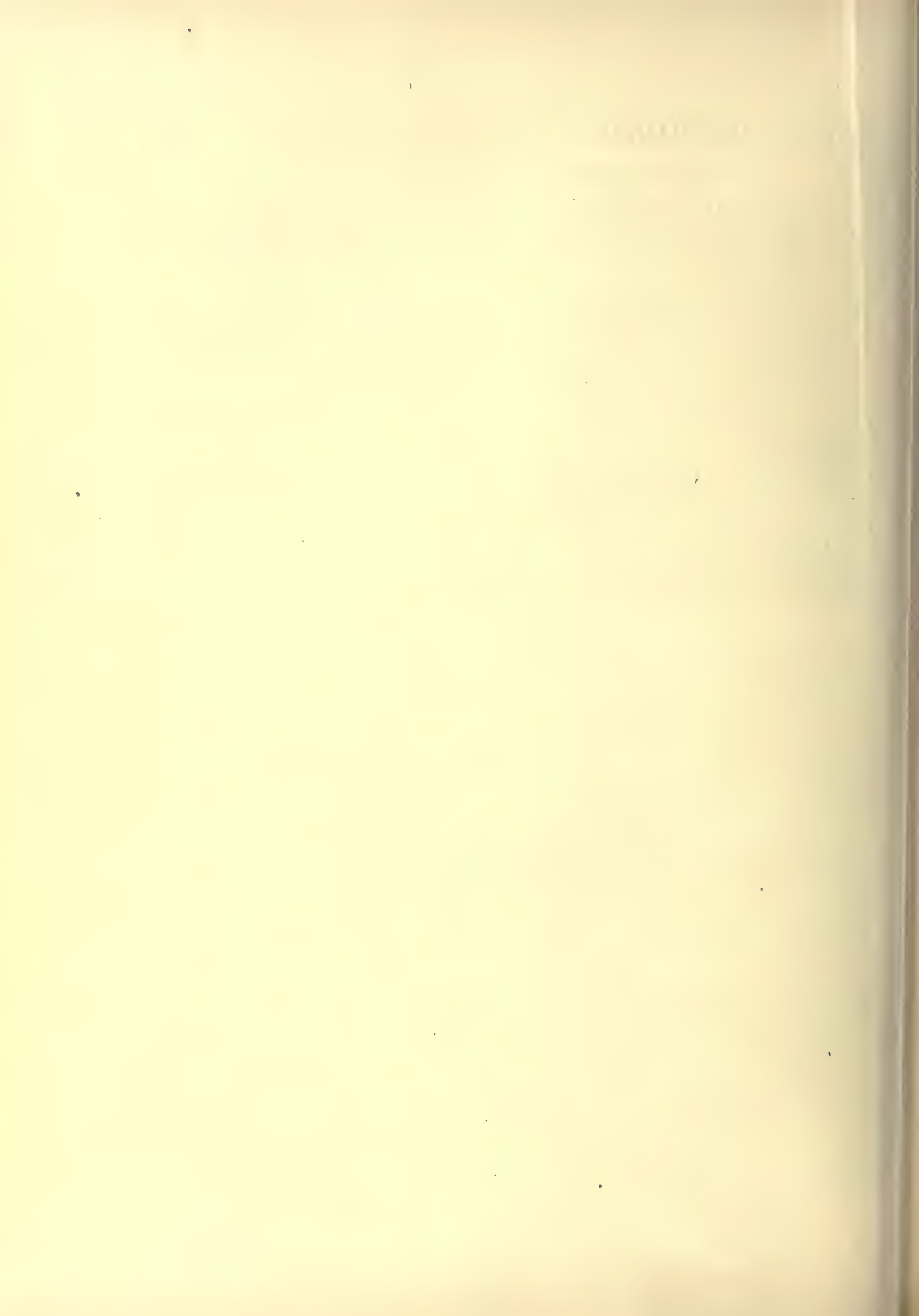
" 72—(1) The County Council may promote the formation or extension of and may, subject to the provisions of this section, assist societies on a co-operative basis, having for their object, or one of their objects, the erection or improvement of dwellings for the working classes.

" (2) The County Council, with the consent of and subject to the regulations made by the Local Government Board, may for the purpose of assisting a society make grants or advances to the Society, upon such terms and conditions as to rate of interest and repayment, or otherwise, and on such security, as the Council think fit, and the making of such grants or advances shall be a purpose for which a Council may borrow.

" Provided that the regulations of the Board shall provide that any such advance made on the security of any property shall not exceed two-thirds of the value of that property."

It might be possible still further to simplify the procedure by giving power to Local Authorities to make arrangements that the rents of the houses built and let by them could, by special agreement, be increased to enable tenants to purchase municipal stock equal to the value of the houses rented by them, and that the possession of the municipal stock, bearing a fixed rate of interest, should entitle them to the undisturbed tenancy of the house.

It is not possible here to do more than open out a fruitful field of enquiry into new methods of estate development and housing supply. It should, however, be clearly realised that this is not an academic problem to be discussed and left aside. A solution must be found for it. This book is written in the time of a great War, when capital is being poured out like water because questions of national honour are involved. It is unthinkable that when the War is over the men who have been willing to make the greatest of all sacrifices for the national honour shall come back to their towns and find that the same dishonourable neglect of their homes and surroundings still continues. It is clearly the duty of those who stay at home in relative ease to give in unstinting measure their care and thought to this problem, and not to cease until they have found adequate solutions.



## CHAPTER XI.

## THE CASE FOR OBLIGATORY PLANNING IN URBAN AND RURAL AREAS.

**D**ESPITE the fact that the Act of 1909 has only been on the Statute Book for five years it is already clear that the harmonious and careful development of rapidly growing urban areas can only be secured by making the preparation of Town Planning Schemes obligatory on all the Local Authorities within these areas.

In this relation it may be pointed out that at present the taking of action under the Town Planning Act bears no relation whatever to the local need for such action. The factor is not one of need for action, but of the interest and zeal shewn by individual Councillors or Officers. Where for any reason this factor of interest or zeal is absent, then no town planning action is taken, whatever may be the need for action.

In order to make clear how limited the powers possessed by Local Authorities really are—when Town Planning Schemes are not prepared—the following definite points may be mentioned :—

- (1) Local Authorities have no power to insist that only a certain proportion of a site shall be covered. All that they can insist upon is that each house shall have a certain curtilage space reserved for it at the rear. This space is usually 150 square feet.
- (2) Local Authorities have no power to regulate the height of buildings. An owner may build to any height he likes provided that he does not interfere with the right of light of his neighbours.
- (3) The defining of building lines in streets may be good or bad just in so far as the ideas of the first owner who builds may be good or bad. Given the establishment of a bad building line by the owner who builds first in a street, the Local Authority is powerless to protect the amenity of the street.
- (4) Except where the provision of cross streets is required under Local Acts or Bye-laws, a Local Authority has no power to insist on cross streets, and a road may be made of great length without a break if the



owners so desire. There is no power to restrict the building of long, unbroken rows of houses. In some cases as many as 60 to 80 houses have been built in monotonous lines without a single break in the line—each house the exact counterpart of the other.

- (5) So long as the width of roadway and footway required under the Bye-laws is provided Local Authorities have no power of control over the distance of the set-back of the houses from the footways, and have no power to require the provision of gardens and open spaces to serve as lungs for a district. The provision of open spaces is left to private generosity or is made the subject of heavy payments out of public funds when the land required has become "desirable building land" with an enhanced value.
- (6) Local Authorities have no power to prevent a house being built upon any spot the owner wishes, and may not even insist upon proper access being given to it. The site may be of such a marshy character as to render the maintenance of the proper health of the inhabitants of the houses when built almost impossible, but Local Authorities have no power to prevent this action being taken.

It is thus apparent that in areas for which Town Planning schemes are not prepared landowners can lay out their land according to their own ideas without giving real consideration to the development of land belonging to other owners and quite irrespective of the public convenience. Small builders, who up to now have erected most of the working class houses, can develop as they like the plots of land they buy, provided they observe the provisions of the bye-laws. In but few cases when land is sold is any provision made for the class of houses to be erected, and a builder can, if he so desires, erect houses of the cheapest character amongst the best residential property—thus greatly depreciating it. Owing to the same lack of restrictive powers factories can be placed anywhere in a district and a whole neighbourhood of good houses may be ruined by a factory being erected in their midst.

But there is no need to "labour" the point. It is agreed that the case for the exercise of Town Planning powers is an overwhelming one, and the majority of Local Authorities are now ready to give their assent to the cardinal principle that it is their duty to take such action and exercise such control over the areas under their care as shall effectively safeguard the public health, convenience and amenity.

This being so, it is clear that the present permissive power possessed by Local Authorities should give place to a statutory duty placed on all Local Authorities requiring them within a stated period to prepare Town Planning schemes in regard to all land likely to be used for building purposes.

It is true that under Clause 61 of the Act of 1909, the Local Government Board possess power to order Local Authorities to prepare Town Planning schemes, but this is in effect a default power, and as such can only be used in special cases.

What is needed is the placing of a clear and definite duty on all Local Authorities. When once this is placed upon them the performance of the duty becomes part of the ordinary work of municipal administration, and as such will not be objected to.

#### THE CASE FOR OBLIGATORY PLANNING IN RURAL AREAS.

There are no statistics available as to the width of our present main and secondary roads in rural districts, but it is probably a fact that, excluding the great main roads, three-fourths of the secondary roads, which have to bear the bulk of the traffic of rural areas, and often serve to connect important towns, are less than 20 feet in width.

The coming of the motor car has already rendered imperative a number of road widenings in rural areas, and Local Authorities are engaged in rounding ugly bends and corners, and straightening out dangerous parts of roads in order that heavy and light motor traffic may travel with more safety over them. Moreover it is quite probable that the next few years will bring about a great development in rural life. Many public men are of opinion that there will be a great agricultural development in the near future through the extension of small holdings and of co-operative undertakings, and in many districts much is hoped for from light railways and better and cheaper means of transit. New roads will be required, some of them main roads, and some to relieve the traffic on present roads where the distances are too long between towns and villages.

It is estimated that the Local Authorities controlling the great towns of Great Britain have had to pay an aggregate sum of £25,000,000 in the last 50 years as a result of the lack of foresight and power in regard to the proper planning of road schemes.

There can be no doubt that a similar waste of public money will ensue if a great increase in the traffic of rural roads finds Local Authorities unprepared with proper schemes of development and if no steps are taken to secure proper building lines on existing country roads, so that all future buildings on such roads shall be set back at a sufficient distance from the centre of the road to allow future road widening to take place without the removal of costly buildings. It will also be difficult to fix the direction of new roads unless all authorities are compelled to make plans for their districts. A new road will often be required to pass from the area of one authority across that of another, and unless both co-operate in this it will be impossible to fix the position of such a road.

The need for the exercise of care in regard to housing developments is equally important.



It has been estimated that in order to meet the housing needs of rural districts in England and Wales from 100,000 to 120,000 new cottages are needed, and there can be no doubt that we are entering on a period of cottage building in rural areas on a large scale.

The experience of Ireland in regard to the building of cottages under the Irish Labourers Act is that whereas at first the cottages were built near to the farms on which the men were employed, the cottages in recent years have been built in village groups. This will doubtless be the experience in this country, and here, as in Ireland, the need for care in grouping will be recognised. To build ugly streets of houses in long rows of an urban type will be to commit a blunder of the worst kind. It will of course be necessary to exercise great economy in road construction, but as land is cheap a good "setback" can be provided, and an effort can be made to give a pleasing impression to those visiting the villages in which cottages are built.

In the case of Housing Schemes carried into effect by Local Authorities this can be done without any special town planning powers, but apart from the exercise of town planning powers, Rural Local Authorities have no effective control of the lay-out of areas developed by private enterprise, and for this reason action in regard to planning will be found to be necessary. In such cases the term "town planning" is quite misleading, and some such term as "village planning" should be substituted.

In those villages in which there is no village green or playground, it would seem to be highly desirable that as new houses are built—either by private enterprise or by public action—land should be secured for village playgrounds and open spaces. The giving up of land for this purpose might well form part of a carefully prepared scheme of rural planning.

For these reasons it is clear that any amendment of the Act of 1909 placed before Parliament should include provisions for making the preparation of simplified rural planning schemes obligatory on Rural Local Authorities. In framing constructive proposals relative to this it will doubtless be found desirable to consider:—

- (1) The extent to which schemes must be prepared for whole counties in order to secure that road schemes may be properly considered.
- (2) Whether schemes in rural districts should not be in effect simplified rural planning schemes, in which certain special provisions should be made obligatory.

In regard to (1) it is clear that in framing rural planning schemes those responsible for their preparation must think in terms of counties and not in terms of parishes. For this reason a Statutory Duty should be placed upon the County Councils requiring their co-operation with the other Local Authorities concerned.

In regard to (2) it would seem to be desirable that much of the detailed work rightly insisted on in the preparation of urban schemes, should be dispensed with and that a series of simply worded model clauses should be drafted and issued by the Local Government Board enabling Rural Councils to build up a Rural Planning scheme with a minimum of work and a maximum of practical efficiency.



## APPENDIX TO PART II.

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### INTRODUCTORY CHAPTER.

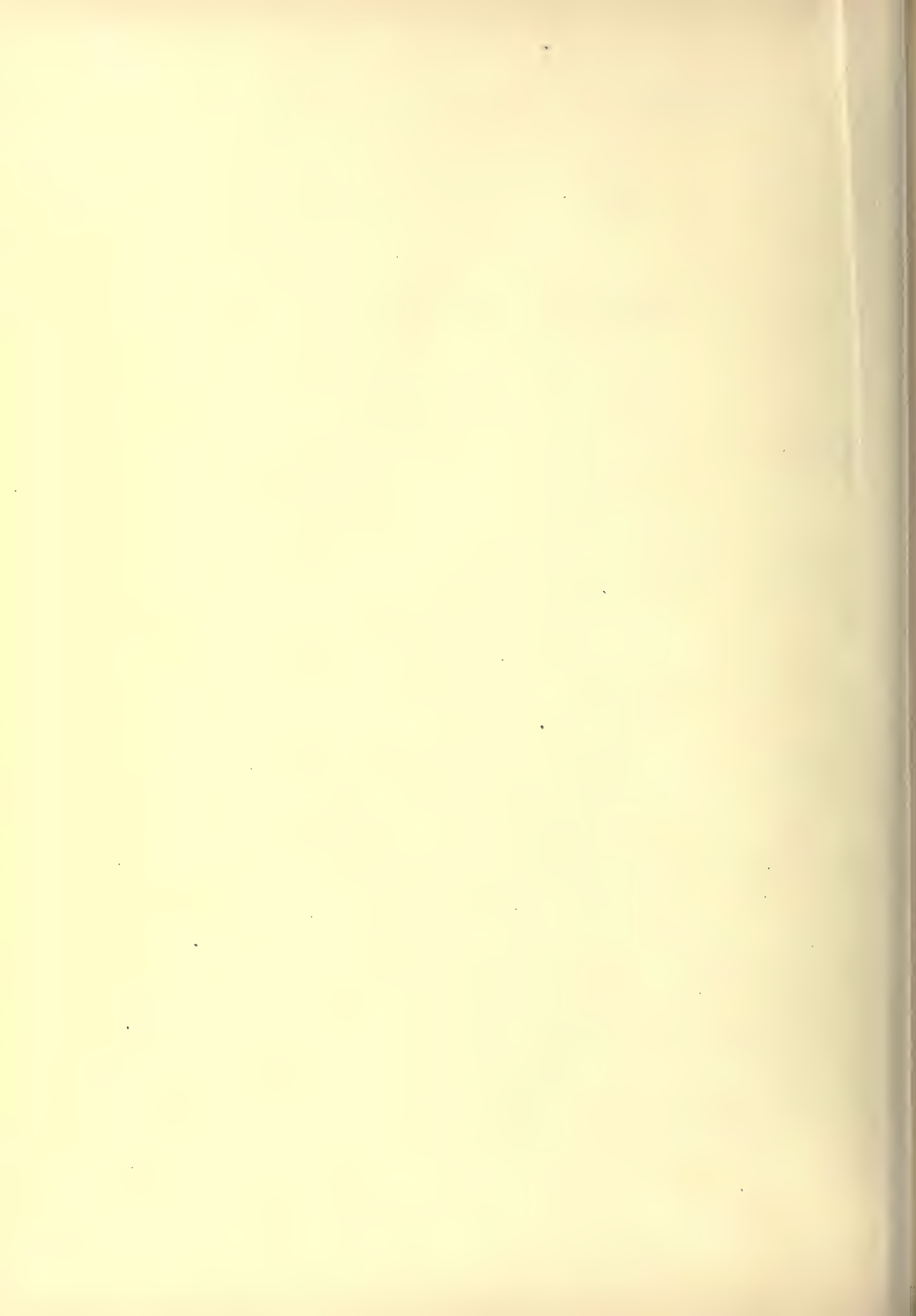
**I**N Part II. of this book the various stages in the administration of the Town Planning powers and duties of Local Authorities have been discussed in close detail. But those engaged in the preparation of actual schemes will desire to have in their hands the text of the Act which they are called upon to administer, the text of the Procedure Regulations for England and Wales and for Scotland, a copy of the rules issued by the Local Government Board with reference to the Cost of Arbitrations in the case of Compulsory Purchase of Land for Housing purposes, and the text of the three Schemes so often referred to in Chapt 1 II. of Part II. These are all given in the following chapters.

The Chairman of the Town Planning Committee of the Ruislip-Northwood Urban District Council—Councillor F. M. Elgood, F.R.I.B.A.—and the Clerk to the Council—Mr. Edmund R. Abbott, Solicitor—are together responsible for the annotations accompanying the text of the Act, for the compilation of the chapter on Procedure Regulations, Forms and Notices, &c., and last, and most important, for the annotations to the Scheme of their Council—which represents upwards of three years' steady pioneer work accomplished by themselves and their colleagues.

The two schemes of the Birmingham City Council are given in the Appendix without annotations, but it is hoped that the frequent references made to these Schemes in Chapter II. of Part II. will meet in some measure this need.

In regard to the Maps of the three Schemes, copies of Maps No. 1 of the Ruislip-Northwood, and Quinton, Harborne and Edgbaston Schemes will be found on pages 304 and 305, and maps giving the essential details of the Quinton, Harborne and Edgbaston and East Birmingham Schemes are given on pages 308 and 309.

It had been hoped that it would be possible to include a copy of the Ruislip-Northwood Map in this book, but it has been found impossible to do this. Those Councillors and Officers of Local Authorities who desire to have copies of the Map can however obtain these at a cost of 5s. from Mr. Carr, the Surveyor to the Ruislip-Northwood Urban District Council, Northwood, Middlesex.



## CHAPTER I.

### ANNOTATED TEXT OF THE HOUSING, TOWN PLANNING, &c. ACT, 1909.

#### PART II.

#### PREPARATION AND APPROVAL OF TOWN PLANNING SCHEMES.

54.—(1) A Town Planning scheme may be made in accordance with the provisions of this Part of this Act as respects any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity and convenience in connexion with the laying out and use of the land, and of any neighbouring lands.

(2) The Local Government Board may authorise a Local Authority within the meaning of this Part of this Act to prepare such a Town Planning scheme with reference to any land within or in the neighbourhood of their area if the Authority satisfy the Board that there is a *prima facie* case for making such a scheme or may authorise a Local Authority to adopt, with or without any modifications, any such scheme proposed by all or any of the owners of any land with respect to which the Local Authority might themselves have been authorised to prepare a scheme.

(3) Where it is made to appear to the Local Government Board that a piece of land already built upon, or a piece of land not likely to be used for building purposes, is so situated with respect to any land likely to be used for building purposes that it ought to be included in any Town Planning scheme made with respect to the last-mentioned land, the Board may authorise the preparation or adoption of a scheme including such piece of land as aforesaid, and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

(4) A Town Planning scheme prepared or adopted by a Local Authority shall not have effect unless it is approved by order of the Local Government Board, and the Board may refuse to approve any scheme except with such modifications and subject to such conditions as they think fit to impose. Provided that before a Town Planning scheme is approved by the Local Government Board, notice of their intention to do so shall be published in the London or Edinburgh "*Gazette*," as the case may be, and if within twenty-one days from the date of such publication



any person or authority interested objects in the prescribed manner the draft of the order shall be laid before each House of Parliament for a period of not less than thirty days during the Session of Parliament, and if either of those Houses before the expiration of those thirty days presents an Address to His Majesty against the draft, or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft scheme.

(5) A Town Planning scheme, when approved by the Local Government Board, shall have effect as if it were enacted in this Act.

(6) A Town Planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with this Part of this Act, and the Local Government Board on the application of the responsible authority, or of any other person appearing to them to be interested, may by order revoke a Town Planning scheme if they think that under the special circumstances of the case the scheme should be so revoked.

(7) The expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a Town Planning scheme, whether in the nature of a building work or not, and the decision of the Local Government Board, whether land is likely to be used for building purposes or not, shall be final.

54.—(1) "A Town Planning Scheme." This is a new expression introduced for the first time into an Act of Parliament. There is no definition of it, and presumably the matters to be dealt with in such a scheme are *inter alia* those set out in the Fourth Schedule to the Act.

Land which "appears likely to be used for building purposes." For definition of this latter expression see Sub-Section (7) of this Section.

It should be noted that the general object of the scheme is to secure proper sanitary conditions, amenity and convenience, not only in connection with the laying out and use of the land in the area, but also "of any neighbouring land."

In considering this provision, reference must be made to Section 59 (2) which deals with compensation. (See note under that Section.)

"Securing proper sanitary conditions." The insertion of these words is almost a slur on the Acts, Bye-laws, and Regulations in force in the various parts of the country. It is, however, the fact that such Acts have not enabled really proper sanitary conditions to be provided. It is of course a question of degree, *e.g.*, as regards open space. The returns as to Infantile Mortality and Adult Death Rates set out in Mr. Geo. Cadbury's book on Town Planning, clearly shew that the ideal is far from having been reached.

"Amenity." The definition given by the late Alderman Thompson cannot probably be improved upon; it is as follows: "Amenity or pleasantness is a very elastic term, "but may reasonably be held to cover the preservation where at all practicable of trees, "hedges, and other natural features which add to the beauty of the surroundings, by "effecting deviations in the street lines or judicious arrangement of gardens and other open "spaces, while it may also include the protection of residential districts, as far as possible "from the smoke, noise, ugliness and other objectionable accompaniments of certain manu-

"factures and other undertakings. It is of course necessary to protect the owner of one estate from another owner who, for purposes of profit, might desire to utilise his land in such a way as to lessen the amenities of residence or unreasonably disfigure the district or spoil the view."

"Convenience." This word appears principally to refer to the laying out of streets in order to secure convenient means of communication for the public and the inhabitants of the area of the scheme.

(2) It will be noticed that the Local Government Board are the body who determine without appeal whether a Local Authority may or may not prepare a scheme or adopt a scheme proposed by owners.

The fact that a Local Authority may be authorised to prepare a scheme for land either within their district or in the neighbourhood of their area gives power to large corporations to control the development of the surrounding areas where perhaps the Bye-laws are out of date or unsuitable, though such areas may not be sufficiently developed or there may be insufficient reasons to invite a corporation to include them in the Borough.

A "Local Authority" is defined in Sections 65 and 66.

(3) This Sub-Section raises questions of some difficulty, and again the decision of the Local Government Board is without appeal. It is understood that the Board require strong evidence to satisfy them that any area already largely built upon can be included.

In the second Town Planning scheme promoted by the Ruislip-Northwood Urban District Council, when an effort was made to include a portion of the built-up area of Northwood, with a view to preserving amenity, *e.g.*, securing tidiness of gardens, restricting shopping areas, &c., the Board declined to authorise its inclusion. Two churches and churchyards, one an ancient Parish Church, have also been excluded. Further, a small area admittedly built upon so far probably as is possible, has been excluded, although entirely surrounded by land comprised in the scheme of 1914.

(4) The Local Government Board's power of modification will no doubt be exercised somewhat drastically in the earlier schemes.

The proviso is the final protection of the public and landowners against arbitrary provisions of a scheme. The drafting of this Section is far from perfect, the draft scheme and draft order approving it being confused.

Compare the provisions of Sub-Section 55.

(5) The scheme has the effect of an Act of Parliament, hence power cannot be given to a Local Authority to vary it, except so far as power is taken in the scheme itself to provide for certain modifications.

Clause 26 of the Ruislip-Northwood scheme is an example of such power. Any modifications must be restricted to minor details.

(6) The only way in which a scheme can be modified is by a new scheme except, as stated above, in matters of detail provided by the scheme itself.

Experience will show whether some power of modification, at any rate by agreement between a Local Authority and landowners, under the sanction of the Board, may not be desirable.

The liability of the responsible authority to pay compensation in the case of a scheme being revoked for the purpose of modifying any of its provisions, must be carefully borne in mind. (*See* Section 58 (6).)

(7) It will be seen that this expression "Land likely to be used for building purposes" includes almost every use to which undeveloped land can be put. Land acquired under statutory powers for a specific purpose would appear not to be within the definition, *e.g.*, the running lines of a railway.



## CONTENTS OF TOWN PLANNING SCHEMES.

55.—(1) The Local Government Board may prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out the general objects of Town Planning schemes, and in particular for dealing with the matters set out in the Fourth Schedule to this Act and the general provisions, or set of general provisions appropriate to the area for which a Town Planning scheme is made, shall take effect as part of every scheme, except so far as provision is made by the scheme as approved by the Board for the variation or exclusion of any of those provisions.

(2) Special provisions shall in addition be inserted in every Town Planning scheme defining in such manner as may be prescribed by regulations under this Part of this Act the area to which the scheme is to apply and the authority who are to be responsible for enforcing the observance of the scheme and for the execution of any works which under the scheme or this Part of this Act are to be executed by a Local Authority (in this Part of this Act referred to as the responsible authority), and providing for any matters which may be dealt with by general provisions and otherwise supplementing, excluding, or varying the general provisions, and also for dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions, and for suspending, so far as necessary for the proper carrying out of the scheme, any statutory enactments, bye-laws, regulations, or other provisions, under whatever authority made, which are in operation in the area included in the scheme :

Provided that where the scheme contains provisions suspending any enactment contained in a public general Act the scheme shall not come into force unless a draft thereof has been laid before each House of Parliament for a period of not less than forty days during the session of Parliament, and if either of those Houses before the expiration of those forty days presents an Address to His Majesty against the proposed suspension no further proceedings shall be taken on the draft, without prejudice to the making of any new scheme.

(3) Where land included in a Town Planning scheme is in the area of more than one Local Authority, or is in the area of a Local Authority, by whom the scheme was not prepared, the responsible Authority may be one of those Local Authorities, or for certain purposes of the scheme one Local Authority and for certain purposes another Local Authority, or a joint body constituted specially for the purpose by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties.

Provided that, except with the consent of the London County Council, no other Local Authority shall, as respects any land in the County of London, prepare or be



responsible for enforcing the observance of a Town Planning scheme under this Part of this Act, or for the execution of any works which under the scheme or this Part of this Act are to be executed by a Local Authority.

55.—(1) The Board have not yet prescribed a set of general provisions. If the three schemes already approved, viz. : the two Birmingham schemes and the Ruislip-Northwood scheme be compared it will be seen how largely they differ. The provisions applicable to lands in or surrounding a large city and a purely residential area would obviously not be the same. To give one instance : in the Birmingham schemes the provision of a series of very wide arterial roads of 100 feet is the salient feature. In the Ruislip-Northwood scheme no road is provided more than 60 feet wide. It is to be expected that in the earlier schemes there will be large variety in the provisions, and that not until experience has shown the best method of dealing with some of the questions which arise in the course of the preparation of schemes will any general set of provisions be prepared. There are, however, certain clauses as to recovery of expenses and enforcing the provisions of schemes, &c., which have been inserted in all three schemes.

It is expressly provided in the three schemes that any general provisions which may be made by the Local Government Board shall be excluded therefrom.

"Responsible Authority." As to this authority see note on Clause 3 of the Ruislip-Northwood scheme.

The power of "suspending so far as necessary for the proper carrying out of the scheme, any Statutory enactment, bye-laws and regulations or other provisions under whatever authority made," seems at first sight to be a very drastic provision, but it will probably be found in practice not to be so. Generally speaking, the desire of Local Authorities is to obtain further provisions rather than to obtain the suspension of existing powers. So far the only public general Statutes actually suspended are the provisions in the Highway Act of 1835 as to diversion and stopping up of footways—a simpler method being provided under the schemes.

It will be observed from the proviso that if any scheme does in fact suspend any enactment in a public general Act, the scheme must be laid before each House of Parliament for forty days during their Session, and the scheme cannot be proceeded with if either House of Parliament presents an address to His Majesty against the proposed suspension.

Compare the wording of this proviso with that to Section 54, Sub-Section (4). The wording of this proviso is certainly preferable and clearer.

(3) This Section provides for the responsible authority when the scheme extends to the area of more than one Local Authority or to the area of a Local Authority by whom the scheme was not prepared being—

- (a) The Local Authority who prepared the scheme ;
- (b) The Local Authority within whose district the area of the scheme is situate ;
- (c) For certain purposes of the scheme one or the other ;
- (d) A joint body specially constituted for the purpose.

In most cases it will probably be found that the Local Authority of the district in which the area or some part of it is situate, will be the responsible authority. (See note under Clause 1 of the Ruislip-Northwood Scheme.)

The proviso preserves the rights of the London County Council who are the Local Authority for the purpose of this part of the Act in the County of London. (See Section 66.)

## PROCEDURE REGULATIONS OF THE LOCAL GOVERNMENT BOARD.

56.—(1) The Local Government Board may make regulations for regulating generally the procedure to be adopted with respect to applications for authority to prepare or adopt a Town Planning scheme, the preparation of the scheme, obtaining the approval of the Board to a scheme so prepared or adopted, and any inquiries, reports, notices, or other matters required in connection with the preparation or adoption or the approval of the scheme or preliminary thereto, or in relation to the carrying out of the scheme or enforcing the observance of the provisions thereof.

(2) Provision shall be made by those regulations—

- (a) for securing co-operation on the part of the Local Authority with the owners and other persons interested in the land proposed to be included in the scheme at every stage of the proceedings, by means of conferences and such other means as may be provided by the regulations ;
- (b) for securing that notice of the proposal to prepare or adopt the scheme should be given at the earliest stage possible to any council interested in the land ; and
- (c) for dealing with the other matters mentioned in the Fifth Schedule to this Act.

56.—(1) The first set of Regulations issued by the Local Government Board were those dated 3rd May, 1910. They applied to schemes prepared by Local Authorities and by owners of land. They were much criticised when first issued, and at first sight no doubt appeared to be somewhat formidable. In actual practice, however, subject to some few matters which seemed superfluous, they were not found difficult to comply with.

In the revised Regulations which were issued on the 11th February, 1914, and which apply only to schemes prepared by Local Authorities, the requirements are somewhat simplified. In view of the fact that the original Regulations are superseded so far as schemes prepared by Local Authorities are concerned, it does not seem necessary to call attention to the modifications. It must be borne in mind that the Regulations *must* provide for the matters mentioned in this Section of the Act.

The requirement in Sub-Section 2 (a) that the Regulations shall secure co-operation on the part of the Local Authority with the owners and other persons interested in the land *at every stage of the proceedings*, doubtless necessitated that the Regulations should provide for frequent notices, advertisements, &c.

Under the existing Regulations notices have to be served upon owners on four occasions :

- (1) Of intention of the Local Authority to apply for authority to prepare a scheme.
- (2) Notice of the deposit of the Draft Scheme for inspection.
- (3) Notice of deposit of the Draft Order of the Board approving the scheme with or without modifications.
- (4) Notice of approval by the Board of the scheme, together with a copy of the order approving the scheme which is scheduled to the Order.

It has been contended by many that service of notice (1) might be dispensed with, and that Notice by Advertisement should be sufficient.

Notice (2) seems essential.



Notice (3). In the event of the scheme as proposed to be approved by the Board not differing, or only in very minor matters differing from the Draft as deposited by the Council, it may fairly be assumed that if there were no objections from owners outstanding the Board might under Regulation No. XXII. dispense with this Notice.

Notice (4). This again is essential, as the land becomes affected by the provisions of the scheme, and an owner is clearly entitled to know the contents of the scheme as finally approved, and particularly the date fixed from which the time for claiming compensation runs.

(b) The compliance with this provision cannot in any case involve any great amount of labour, and it is well to serve not only the Local Authorities in whose districts any portion of the area of the proposed scheme may extend, but also County Councils in respect of main roads, County Schools and Councils owning sewage works, &c.

(c) Not all the matters mentioned in the Fifth Schedule have yet been made the subject of Regulations.

### POWER TO ENFORCE SCHEME.

57.—(1) The responsible authority may at any time, after giving such notice as may be provided by a Town Planning scheme and in accordance with the provisions of the scheme—

- (a) remove, pull down or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with ; or
- (b) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by a responsible authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

(3) If any question arises whether any building or work contravenes a Town Planning scheme, or whether any provision of a Town Planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the Local Government Board, and shall, unless the parties otherwise agree, be determined by the Board as arbitrators, and the decision of the Board shall be final and conclusive and binding on all persons.

57.—(1) This Section gives power to the Local Authority to secure the observance of the scheme by compulsion. These powers must be considered in connection with Section 58 (2) as to compensation. (See note thereto.) The Local Authority are not only given power to remove, pull down, and alter any work which contravenes the scheme, but also to carry out any work which it is the duty of any person to execute under the scheme, but only in any case where the Authority consider that delay in the execution of the work would prejudice the efficient operation of the scheme.

The Birmingham schemes and the Ruislip-Northwood scheme contain provisions for dealing with these matters.



(2) See notes to Section 74 of the Ruislip-Northwood scheme. There are alternative methods of recovery of such expenses.

*E.g.*, under the Ruislip-Northwood scheme the owners of 2338 acres have agreed to make no claim for compensation in consideration of the Council making no claim for increase of value.

It will be noticed that the time for claiming compensation is strictly limited. Twelve months from the date of approval is the time fixed by the Local Government Board in the Birmingham and Ruislip-Northwood schemes.

#### COMPENSATION IN RESPECT OF PROPERTY INJURIOUSLY AFFECTED BY SCHEMES, &c.

58.—(1) Any person whose property is injuriously affected by the making of a Town Planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the approval of the scheme is published in the manner prescribed by regulations made by the Local Government Board, be entitled to obtain compensation in respect thereof from the responsible authority.

(2) A person shall not be entitled to obtain compensation under this section on account of any building erected on or contract made, or other thing done with respect to land included in a scheme, after the time at which the application for authority to prepare the scheme was made, or after such other time as the Local Government Board may fix for the purpose :

Provided that this provision shall not apply as respects any work done before the date of the approval of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made.

(3) Where, by the making of any Town Planning scheme, any property is increased in value, the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the Local Government Board) shall be entitled to recover from any person whose property is so increased in value one-half of the amount of that increase.

(4) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority are entitled to recover from a person whose property is increased in value, shall be determined by the arbitration of a single arbitrator appointed by the Local Government Board unless the parties agree on some other method of determination.

(5) Any amount due under this section as compensation to a person aggrieved from a responsible authority, or to a responsible authority from a person whose property is increased in value, may be recovered summarily as a civil debt.

(6) Where a Town Planning scheme is revoked by an Order of the Local Government Board under this Act, any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme.

58.—(1) Compensation is only payable in respect of injurious affection of property by the making of the scheme. It is difficult to determine exactly how far this provision carries claims for compensation. Perhaps the illustration given in the note to Section 60 may elucidate the matter somewhat.

The provision is very wide, and any provision of the scheme which "sterilises" any land and prevents it being used except for some purpose provided by the scheme would give rise to a claim for compensation, subject, of course, to the limitation provided by Sub-Section 2 and Section 59. The fear of claims for compensation may have deterred Local Authorities from preparing schemes, but it is submitted that the powers of the Local Authority to claim for increase of value under Sub-Section 3 largely diminish the risk which they will run. Moreover, careful consideration of the various clauses of the scheme when in course of preparation and negotiation and agreements with landowners will avoid many claims.

(2) The object of this Sub-Section is to protect the Local Authority against claims for compensation for works executed during the course of the preparation of a scheme.

An instance of this occurred during the preparation of the Ruislip-Northwood scheme, and Clause 36 (b) of that scheme was inserted to meet the difficulty.

The Sub-Section is very important from an owner's point of view, and it behoves him to be very careful in carrying out any work pending the approval of the scheme. It has been argued that the Sub-Section has the effect of practically holding up all schemes of development during the period from the date of application for authority to prepare a scheme and its ultimate approval. This, however, need not be the case. When an owner is desirous of developing on proper lines an agreement with the Local Authority might be arranged. This was in fact done in the case of several properties during the 3½ years which was the period in the case of the Ruislip-Northwood scheme. It is probable, however, that in future the time required for preparing a scheme will be much shorter.

The Local Government Board have power to fix a date other than the date of application; presumably this would apply in the case of an Authority who after having obtained permission to prepare a scheme, took no further steps for a long period.

In respect of certain definite matters, the time for claiming compensation or increase of value may be fixed by the scheme itself or be contingent upon certain circumstances. As an example of this, see Clauses 23 and 80 of the Ruislip-Northwood scheme.

It will be noticed that the proviso to the Sub-Section permits the finishing of works already commenced and the completion of a contract already made.

(3) This Sub-Section provides for what is known as "betterment" and is, it is believed, the first instance of a provision of this character in a public general Statute, although it has appeared in several private Acts, notably in the case of the Act under which the Tower Bridge approaches were constructed.

The kind of case to which the Section would apply would be when by means of the provisions of a scheme access is given to the land of an owner through lands of another owner. It will be noticed it is only half the increase in value which can be recovered, but it is conceivable that in many cases the increase in value payable to the Local Authority might exceed the compensation to which he might be entitled.



(4) The question of whether property is injuriously affected or increased in value and the amount of and manner of payment of money therefor will be determined, in default of some other agreed method, by a single arbitrator appointed by the Local Government Board. The words in brackets, "by instalments or otherwise," suggests that in some cases payment will be deferred until injury or increased value actually arises.

(5) See Clause 74 (e) of the Ruislip-Northwood scheme as to recovery of betterment, and Clause 75 as to the application of money received.

(6) This Sub-Section protects an owner in the case of a scheme being revoked by the Local Government Board.

#### EXCLUSION OR LIMITATION OF COMPENSATION IN CERTAIN CASES.

59.—(1) Where property is alleged to be injuriously affected by reason of any provisions contained in a Town Planning scheme, no compensation shall be paid in respect thereof if or so far as the provisions are such as would have been enforceable if they had been contained in bye-laws made by the Local Authority.

(2) Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a Town Planning scheme, which, with a view to securing the amenity of the area included in the scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Local Government Board, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose.

(3) Where a person is entitled to compensation under this Part of this Act in respect to any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enactment, and shall not be entitled to any greater compensation under this Act than he would be entitled to under the other enactment.

59.—(1) This Sub-Section is difficult of construction. Does it mean (which seems to be the better opinion) that no compensation is payable in respect of any provision which might have been inserted in any Bye-laws; *e.g.*, a bye-law to the effect that no new street shall be laid out of less than 50 feet. Such a bye-law has been made in certain districts, and if 50 feet, why not 60 feet? Or does it mean that the provisions must be such as would have been inserted in bye-laws relating to the particular locality, *i.e.*, such as the Local Government Board would allow? Either way, it would appear to be difficult to press any claim for compensation successfully.

(2) This Sub-Section is perhaps that which was most strenuously contended for by those who were foremost in pressing for a Town Planning Act, and it will be seen of what vast importance it is when the provisions which are not the subject for compensation in the schemes already sanctioned are considered. A reference to the Quinton and Harborne scheme of the Birmingham Corporation shows that property is not to be deemed to be injuriously affected by the provisions of Clauses 7, 17, 18 and 19, in the East Birmingham scheme of Clauses 7, 17, 18 and 19, and in the Ruislip-Northwood scheme of Clauses 36 to 56.



It must, however, be carefully borne in mind that the provisions must be inserted "with a view to securing the amenity of the area included in the scheme or any part thereof." Amenity, and amenity alone can be considered—sanitary conditions and convenience are not the test. Moreover, it is the "area" and not any neighbouring lands which must be taken into consideration. Hence the great importance of carefully considering the proposed area of a scheme. For example, on one side of a street outside the "area" buildings may be, say four to the acre and on the other side within the "area" an owner desires to erect twelve to the acre. The existence of the houses outside the "area" cannot be considered for the purpose of this Section, and assuming that the Local Authority insisted on inserting a provision limiting the number to four to the acre, the Local Government Board might be unable to certify as to the reasonableness of the provision and a claim for compensation might arise. It should be noted that the Local Government Board are the sole judges of the reasonableness of the provisions of the scheme.

(3) As an example, the Public Health Act Amendment Act, 1907, provides for compensation in certain cases. The owner would not be entitled to compensation under that Act and under the scheme also.

#### ACQUISITION BY LOCAL AUTHORITIES OF LAND COMPRISED IN A SCHEME.

60.—(1) The responsible authority may, for the purpose of a Town Planning scheme, purchase any land comprised in such scheme by agreement, or be authorised to purchase any such land compulsorily in the same manner and subject to the same provisions (including any provision authorising the Local Government Board to give directions as to the payment and application of any purchase money or compensation) as a Local Authority may purchase or be authorised to purchase land situate in an urban district for the purposes of Part III. of the Housing of the Working Classes Act, 1890, as amended by sections two and forty-five of this Act.

(2) Where land included within the area of a Local Authority is comprised in a Town Planning scheme, and the Local Authority are not the responsible authority, the Local Authority may purchase or be authorised to purchase that land in the same manner as the responsible authority.

60.—(1) This is a wide but an essential provision. It must be considered in connection with the question of compensation: *e.g.*, where an open space is shown on the map and the owner agrees that there shall be no compensation the land will not require to be purchased. It will be conveyed without payment. In most schemes it will probably be provided by agreement as to the time when open spaces are to be conveyed to the Responsible Authority.

But for the provisions of Clause 16 in the Ruislip-Northwood scheme it would appear that for the purpose of making a new street without the consent of all the owners the only method would have been for the Responsible Authority to purchase the necessary land in the same way as a railway company would, and then to claim for betterment against the owners. It is submitted that this would have been a cumbrous proceeding and the cost almost prohibitive. It must be borne in mind that the power of purchase is confined to land comprised in the scheme for *some purpose* of the scheme.

Perhaps an illustration from the Ruislip-Northwood scheme may be desirable. Under Clause 29 (a) certain land is set apart for the purpose of "allotments." The land is not vested in the Council and the owner's claim for compensation would be for injurious affection in consequence of the user of the land being limited to that purpose, *i.e.*, it could not be used for building purposes. If the Council desire to acquire the land their power arises under this Section.

It may again be repeated that in order to avoid acquisition of land by compulsory purchase, agreements with owners prior to the approval of the scheme are desirable.

(2) This provision gives the power to a Local Authority who are not the Responsible Authority under a scheme, to acquire land for the purpose of such scheme, and where necessary this will probably be the method adopted, thus avoiding the acquisition of land by Local Authorities outside their own areas.

#### POWERS OF LOCAL GOVERNMENT BOARD IN CASE OF DEFAULT OF LOCAL AUTHORITY TO MAKE OR EXECUTE TOWN PLANNING SCHEME.

61.—(1) If the Local Government Board are satisfied on any representation, after holding a public local inquiry, that a Local Authority—

- (a) have failed to take the requisite steps for having a satisfactory Town Planning scheme prepared and approved in a case where a Town Planning scheme ought to be made ; or
- (b) have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted ; or
- (c) have unreasonably refused to consent to any modifications or conditions imposed by the Board ;

the Board may, as the case requires, order the Local Authority to prepare and submit for the approval of the Board such a Town Planning scheme, or to adopt the scheme, or to consent to the modifications or conditions so inserted :

Provided that where the representation is that a Local Authority have failed to adopt a scheme, the Local Government Board, in lieu of making such an order as aforesaid, may approve the proposed scheme, subject to such modifications or conditions, if any, as the Board think fit, and thereupon the scheme shall have effect as if it had been adopted by the Local Authority and approved by the Board.

(2) If the Local Government Board are satisfied on any representation, after holding a local inquiry, that a responsible authority have failed to enforce effectively the observance of a scheme which has been confirmed, or any provisions thereof, or to execute any works which under the scheme or this Part of this Act the authority is required to execute, the Board may order that authority to do all things necessary

for enforcing the observance of the scheme or any provisions thereof effectively, or for executing any works which under the scheme or this Part of this Act the authority is required to execute.

(3) Any order under this section may be enforced by mandamus.

61.—(1) This Sub-Section gives power to the Local Government Board to take action in default on the part of a Local Authority. In one case an Inquiry has been held by the Board in consequence of alleged default by a Local Authority under (a) and the Local Authority ultimately decided to proceed.

(2) This Sub-Section will prevent a scheme being abrogated by the Local Authority, and will give power to an owner to secure that he shall not be prejudiced by failure on the part of the Local Authority to enforce the provisions of the scheme against another owner.

(3) This is the only provision in this part of the Act which suggests invoking the aid of the Superior Courts of Justice.

## DETERMINATION OF MATTERS BY LOCAL GOVERNMENT BOARD.

31 AND 32 VICT., c. 119.

62.—Where the Local Government Board are authorised by this Part of this Act or any scheme made thereunder to determine any matter, it shall, except as otherwise expressly provided by this Part of this Act, be at their option to determine the matter as arbitrators or otherwise, and if they elect, or are required to determine the matter as arbitrators, the provisions of the Regulations of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply, as if they were herein re-enacted and in terms made applicable to the Local Government Board and the determination of the matters aforesaid.

The provisions of the Regulations of Railways Act, 1868, referred to are contained in Sections 30 to 32 inclusive of that Act. The Local Government Board may appoint an Arbitrator to act for them and his award or decision shall be deemed to be the award or decision of the Board. If the Arbitrator dies, or in the judgment of the Board becomes incapable or unfit, the Board may appoint another Arbitrator. The Board may fix the remuneration of the Arbitrator. Provision is also made as to costs.

## INQUIRIES BY LOCAL GOVERNMENT BOARD.

63.—Section eighty-five of the Housing of the Working Classes Act, 1890 (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply for any purposes of this Part of this Act as it applies for the purpose of the execution of the powers and duties of the Local Government Board under that Act.

63.—The reason for the insertion of this provision is to enable the Local Government Board to charge fees for holding Inquiries and the preparation of the Reports of their Inspectors. These expenses are a serious item as will be seen from the summary of the expenses of the preparation of the Ruislip-Northwood scheme.



## LAYING GENERAL PROVISIONS BEFORE PARLIAMENT.

56 AND 57 VICT., C. 66.

64.—All general provisions made under this Part of this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, shall apply to such provisions as if they were statutory rules within the meaning of section one of that Act.

64.—The Rules Publication Act, 1893, provides that at least 40 days before making any statutory rules notice of the proposal to make the rules and of the place where copies of the Draft Rules may be obtained must be published in the *London Gazette*.

During those 40 days any public body may obtain copies of the Draft Rules, and any representations or suggestions in writing by a Public Body interested to the Authority proposing to make the rules shall be taken into consideration before finally settling the rules. On the expiration of the 40 days the rules may be made as originally drawn or as amended, and may come into operation forthwith or at such time as may be prescribed by the rules.

## DEFINITION OF LOCAL AUTHORITY, AND EXPENSES.

65.—(1) For the purposes of this Part of this Act the expression "Local Authority" means the council of any borough or urban or rural district.

(2) Any expenses incurred by a Local Authority under this Part of this Act, or any scheme made thereunder, shall be defrayed as expenses of the authority under the Public Health Acts, and the authority may borrow, for the purposes of this Part of this Act, or any scheme made thereunder, in the same manner and subject to the same provisions as they may borrow for the purposes of the Public Health Acts.

(3) Money borrowed for the purposes of this Part of this Act, or any scheme made thereunder, shall not be reckoned as part of the debt of a borough or urban district for the purposes of the limitation on borrowing under Sub-Sections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875.

65.—(1) The power of making Town Planning schemes is vested for London in the London County Council and elsewhere in the Borough, Urban District and Rural District Councils. Except in London (see Section 66) County Councils have no powers even in default of action by Borough and District Councils. The Local Government Board, as has been seen under Section 61, have power to take action where a Local Authority are in default.

(2) Expenses may be incurred as under the Public Health Act, 1875, and it is understood that the Local Government Board will permit a Local Authority to borrow for the expenses of preparing a scheme. There is no special provision authorising the Public Works Loan Commissioners to lend money for the purpose of Town Planning schemes, and the special provisions of Section 39 of the Public Health Act do not apply to this portion of the Act. It remains to be seen whether the Public Works Loan Commissioners will lend money for the purpose of Town Planning schemes.

(3) This provision is important, as it will enable money to be borrowed beyond the limit of two years assessable value. In a rapidly developing district where a large amount of money has of necessity had to be borrowed a Local Authority might be hampered in borrowing for the purpose of a Town Planning scheme which it might be of vital importance to prepare.

APPLICATION TO LONDON.

66.—(1) This Part of this Act shall apply to the administrative County of London, and, as respects that county, the London County Council shall be the Local Authority.

(2) Any expenses incurred by the London County Council shall be defrayed out of the general county rate and any money may be borrowed by the Council in the same manner as money may be borrowed for general county purposes.

66.—The London County Council has special powers with regard to sewers, open spaces, parks, and approval of plans for new streets and buildings, &c., which are possessed by no other County Council, and moreover, the powers of the London Borough Councils are restricted in these matters. These are no doubt the reasons for the London County Council being the authority under the Act. They have, however, not as yet made application for authority to prepare a scheme, although it is estimated that there are some hundreds of acres of undeveloped land in the County.

APPLICATION OF PART II. TO SCOTLAND.

67.—This part of this Act shall apply to Scotland subject to the following modifications :—

(1) The Local Government Board for Scotland (hereinafter referred to as the Board) shall be substituted for the Local Government Board, and shall for the purposes of this Part of this Act have the same powers of local inquiry, as for the purposes of the Housing Acts as defined in Part I. of this Act.

(2) Sub-Section (1) and Sub-Section (3) of the section of this Part of this Act which relates to the definition of Local Authority and expenses shall not apply.

(3) The Local Authority and the area of such authority for the purposes of this Part of this Act shall respectively be the Local Authority for the purposes of the Housing Acts as defined in Part I. of this Act, and the district of that authority.

(4) References to the Public Health Acts shall be construed as references to the Housing Acts as defined in Part I. of this Act.

(5) Any local rate for the purposes of this Part of this Act (including the purposes of any loan) shall not be reckoned in any calculation as to the statutory limit of the public health general assessment.

(6) The Board shall not themselves make an order under Section sixty-one of this Act on any authority, but in lieu thereof it shall be lawful for the Board, after holding a local inquiry at which the authority shall have an opportunity of being heard, and with the approval of the Lord Advocate, to apply for such an order by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just.

(7) In any proceedings under this Part of this Act the Board shall have regard to the powers and jurisdiction of the dean of guild court in burghs.

(8) The provision respecting the Rules Publication Act, 1893, shall have effect as if Section one of that Act applied to Scotland, with the substitution of the "Edinburgh Gazette" for the "London Gazette."

67.—These provisions would not appear to affect the general application of the Act to Scotland, but relate more or less to procedure.

#### FOURTH SCHEDULE.

##### MATTERS TO BE DEALT WITH BY GENERAL PROVISIONS PRESCRIBED BY THE LOCAL GOVERNMENT BOARD.

(1) Streets, roads, and other ways, and stopping up, or diversion of existing highways.

(2) Buildings, structures, and erections.

(3) Open spaces, private and public.

(4) The preservation of objects of historical interest or natural beauty.

(5) Sewerage, drainage, and sewage disposal.

(6) Lighting.

(7) Water supply.

(8) Ancillary or consequential works.

(9) Extinction or variation of private rights of way and other easements.

(10) Dealing with or disposal of land acquired by the responsible authority or by a Local Authority.

(11) Power of entry and inspection.

(12) Power of the responsible authority to remove, alter, or demolish any obstructive work.

(13) Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.

(14) Power of the responsible authority or a Local Authority to accept any money or property for the furtherance of the object of any Town Planning scheme, and provision for regulating the administration of any such money or property, and for the exemption of any assurance with respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.

(15) Application with the necessary modifications and adaptations of statutory enactments.

(16) Carrying out and supplementing the provisions of this Act for enforcing schemes.



(17) Limitation of time for operation of scheme.

(18) Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested by means of conferences, &c.

(19) Charging on the inheritance of any land the value of which is increased by the operation of a Town Planning scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land.

THE FOURTH SCHEDULE.—As has already been stated, no such general provisions have been at present made by the Local Government Board. Reference to the Birmingham scheme and the Ruislip-Northwood schemes will give an idea as to some of the matters which will probably be dealt with by general provisions. Section 55 and 64 of the Act apply to the making of these general provisions.

#### FIFTH SCHEDULE.

(1) Procedure anterior to and for the purpose of an application for authority to prepare or adopt a scheme :—

- (a) Submission of plans and estimates.
- (b) Publication of notices.

(2) Procedure during, on, and after the preparation or adoption and before the approval of the scheme :—

- (a) Submission to the Local Government Board, of the proposed scheme, with plans and estimates.
- (b) Notice of submission of proposed scheme to the Local Government Board.
- (c) Hearing of objections and representations by persons affected, including persons representing architectural or archaeological societies or otherwise interested in the amenity of the proposed scheme.
- (d) Publication of notice of intention to approve scheme and the lodging of objections thereto.

(3) Procedure after the approval of the scheme :—

- (a) Notice to be given of approval of scheme.
- (b) Inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme.

(4) Duty, at any stage, of the Local Authority to publish or deposit for inspection any scheme or proposed scheme, and the plans relating thereto, and to give information to persons affected with reference to any such scheme or proposed scheme.

(5) The details to be specified in plans, including, wherever the circumstances so require, the restrictions on the number of buildings which may be erected on each acre, and the height and character of those buildings.

THE FIFTH SCHEDULE.—See note under Section 56 of the Act.



## CHAPTER II.

THE TOWN PLANNING PROCEDURE REGULATIONS FOR  
ENGLAND AND WALES, WITH THE VARIOUS FORMS  
AND NOTICES RELATING THERETO.

## SPECIAL NOTE :

*These Regulations are the revised Regulations issued on February 12th, 1914, by the Local Government Board for England and Wales.*

*The Annotations consist of the forms of Resolutions, Notices, Advertisements and Certificates required to comply with the provisions of the Regulations. Forms of Statement required by Articles V., VI., X., XV., and XVI. have not been included because they must necessarily vary considerably in every case.*

*The forms have been prepared in respect of an area partly in an Urban District and partly in an adjoining Rural District in a different County. They can easily be adapted for an area in a Borough or Rural District.*

*The Scottish Regulations will be found in the succeeding Chapter (III.).*

PROCEDURE ANTERIOR TO AND FOR THE PURPOSE OF AN  
APPLICATION FOR AUTHORITY TO PREPARE A SCHEME.

ARTICLE I.—The local authority shall, within seven days after they have decided to consider a proposal for authority to prepare a scheme in reference to any area of land, serve notice of their decision upon any council interested in the land.

Form of Preliminary Resolution of a Local Authority deciding to consider a proposal for authority to prepare a scheme.

RESOLVED : (a) That the land enclosed within the inner edge of a red border on the 6 in. Ordnance Map now submitted to the Council form the area of a Town Planning Scheme.

(b) That at the expiration of a period of not less than one month, the Council consider a formal resolution making application to the Local Government Board for authority to prepare the Town Planning scheme.

(c) That it be referred to the Town Planning Committee of the Council to take all necessary steps to secure the serving of Notices, to insert Advertisements, prepare Maps, call Conferences, and do such other acts, as may be necessary to enable the Council to make application to the Local Government Board for authority to prepare a Town Planning scheme.



Form of Notice to a Council interested in land proposed to be included in the area of a Town Planning scheme.

HOUSING, TOWN PLANNING, &C. ACT, 1909.

TO THE RURAL DISTRICT COUNCIL OF  
IN THE COUNTY OF

I HEREBY GIVE YOU NOTICE pursuant to Section 56, Sub-Section 2, of the above Act, and Article I. of the Town Planning Procedure Regulations (Preparation of schemes by Local Authorities), 1914, that the Urban District Council of \_\_\_\_\_, have decided to consider a proposal to apply to the Local Government Board for authority to prepare a Town Planning scheme in respect of certain lands, including that portion of your District bounded by (*describe boundaries*).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

(Signed),

*Clerk to the Urban District Council of*  
Council Offices,

The Clerk to the  
Rural District Council of \_\_\_\_\_

ARTICLE II.—(a) At least four weeks before making an application to the Board for authority to prepare a town planning scheme, the local authority shall serve upon the prescribed persons a notice of their intention to make such application. The local authority shall also give notice of their intention to make such application by advertisement in some newspaper or newspapers, circulating in the area of the local authority, and the advertisement shall be published at least four weeks before making the application.

(b) The local authority shall, not later than the date on which the first of the said notices is given, deposit at a place convenient for the purposes of inspection and shall keep deposited thereat, for a period not being less than three weeks from the date on which the latest of the said notices is given, a map of the land to which it is proposed that the application shall extend. The said map (to be marked and known as "Map No. 1") shall be on the scale of 25·344 inches to the mile, and shall be open for inspection by any person interested, without payment of any fee, at all reasonable hours on any week-day during the said period. The local authority shall also make suitable provision for affording to any person inspecting the map any necessary explanation in regard thereto

(c) The said notices shall define, by a verbal description or by means of a plan annexed to the notices, the land to which it is proposed that the application shall extend and shall state the place at which a map of the land (that is, Map

No. 1) is deposited and the period and times during which the same will be open for inspection by any person interested. The notices shall also include a statement that, if and when application is made to the Board for authority to prepare a scheme, notice of the application will be given by advertisement in some newspaper or newspapers circulating in the area of the local authority, and that, if such authority is given, notice of the fact will also be given in like manner. The notices to the prescribed persons may also extend to the matters of which notice is to be given under Article III.

(d) The local authority shall furnish to the council of any borough or of any urban or rural district within which any part of the said land is comprised a map on a scale of six inches to the mile, certified to show accurately the land to which the application for authority to prepare a scheme extends; and if the council of any such borough or district so require, the local authority shall also furnish to such council a certified copy of so much of the Map No. 1 as extends to land in such borough or district

(e) The local authority shall forthwith inform the Board of any notice issued under this Article.

ARTICLE III.—(a) The local authority before making an application to the Board for authority to prepare a scheme shall consider any objections or representations made to them in writing in reference to the proposed application for such authority, whether by the prescribed persons or by any other persons or bodies interested in the land to which it is proposed that the application shall extend or in any neighbouring land which might be affected by the making of a scheme for the first-mentioned land; and shall endeavour, by conferences between the local authority or their officers and such persons, to secure co-operation in regard to the proposed application.

(b) The local authority shall either —

- (1) Arrange for a meeting being held at which all such persons as aforesaid shall be entitled to attend or be represented, for the purpose of considering the proposed application. Notice of the time and place fixed for such meeting shall be served by the local authority upon the prescribed persons and such other persons as aforesaid, if any, as in the opinion of the local authority might reasonably be interested, not less than seven days before the time fixed for the meeting. The Mayor (if the local authority are the Town Council of a borough) or the chairman of the council (if the local authority are the London County Council or an Urban or Rural District Council) shall be the president of the said meeting, or, in the event of the Mayor or chairman being unable or unwilling to act, any person appointed for the purpose by the

## THE CASE FOR TOWN PLANNING.

local authority shall be the president, or, in default of such appointment, the meeting shall choose some person present at the meeting to be president thereof. On opening the meeting the president, or a member or officer of the local authority, shall give such explanation of the proposed application as he thinks expedient ;

or

- (2) Serve a notice upon all such persons as aforesaid stating that if the person on whom the notice is served desires to confer with the local authority or their officers in regard to the proposed application for authority to prepare a scheme, the local authority will on being so informed be prepared to arrange for such a conference at some time within a period to be specified in the notice.

Form of Notice enquiring particulars of Ownership to be addressed to "prescribed persons."

URBAN DISTRICT COUNCIL.

COUNCIL OFFICES :

19

## PROPOSED TOWN PLANNING SCHEME.

SIR (OR MADAM),

Application is intended to be made by this Council to the Local Government Board for authority to prepare a Town Planning scheme.

As the Regulations of the Local Government Board require that all owners of the property within the area affected, should receive notice of the application, and as I believe you are interested in the property described on the other side, I shall feel obliged by your filling up the form annexed hereto, and forwarding the same to me BY RETURN OF POST, in order that the interests of all parties may be correctly ascertained, and the requisite notice served upon them.

I am, Sir (or Madam),

Your obedient Servant,

*Clerk to the Council.*



No.

URBAN DISTRICT COUNCIL.

TOWN PLANNING SCHEME,

To Mr.....

.....

.....

QUESTIONS.

ANSWERS.

- |  |   |
|--|---|
| 1. ....  | .....                                     |
| .....  | .....                                     |
| .....  | .....                                     |
| .....  | .....                                     |
| .....  | .....                                     |
| 2. If lessee or sub-lessee, please state<br>from whom the property is leased,<br>and give his, her, or their full Christian<br>names and addresses   | .....<br>.....<br>.....<br>.....          |
| 3. If you are <i>not</i> the <i>sole</i> owner, lessee,<br>or sub-lessee, please give full Christian<br>names and addresses of <i>all</i> other parties<br>interested therein, and state <i>how</i> they<br>are interested | .....<br>.....<br>.....<br>.....<br>..... |
| 4. If held in trust please give the full<br>Christian names and addresses of the<br>Trustees, with the names of the person<br>under whose will or settlement the<br>Trustees are appointed                                 | .....<br>.....<br>.....<br>.....<br>..... |
| 5. If you underlet the premises please<br>give full Christian names and addresses<br>of under-lessee or lessees  | .....<br>.....<br>.....                   |

Write your FULL names here.....

.....

Date.....

*This Sheet to be torn off, filled up, and returned to the Clerk to the Council, Council Offices,  
as soon as possible.*

Form of Schedule of Names of "Prescribed Persons."

Number on Plan.	Description of Property.	Owners.	Lessees.

Form of Index to Notices served on "Prescribed Persons" for the Parish of  
in the County of

Number of Notice.	Name.	Residence.	Owner or Lessee.	Number on Plan and In Schedule	How Served.	
					By whom	Date.

Form of Notice to Prescribed Persons of intention to apply to the Local Government  
Board for authority to prepare a scheme.

HOUSING, TOWN PLANNING, &amp;C. ACT, 1909.

URBAN DISTRICT OF

TOWN PLANNING SCHEME.

COUNCIL OFFICES,

19

SIR (OR MADAM),

I hereby give you notice pursuant to Part II. of the Housing, Town Planning, &c. Act, 1909, and the Town Planning Procedure Regulations (Preparation of Schemes by Local Authorities), 1914, that the Urban District Council of

intend at the expiration of four weeks from the date of the service of this Notice upon you

## REGULATIONS, FORMS AND NOTICES.

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to apply to the Local Government Board for authority to prepare a Town Planning scheme in respect of the lands situate in the Urban District of \_\_\_\_\_ in the County of \_\_\_\_\_, and in the Parish of \_\_\_\_\_, in the Rural District of \_\_\_\_\_ in the County of \_\_\_\_\_, enclosed within the inner edge of a red border on the map hereunto annexed.\*

I hereby also give you notice that a map on the larger scale of 25.344 inches to the mile marked Map No. 1, showing the lands in respect of which the application is intended to be made has been deposited at the Council Offices, \_\_\_\_\_, and will be open to inspection by any person interested without payment of any fee until the day of \_\_\_\_\_, 19\_\_\_\_, on any Saturday between the hours of 10 a.m. and 1 p.m., and on any other weekday between the hours of 10 a.m. and 5 p.m.

I hereby also give you further notice that if and when application is made to the Local Government Board for authority to prepare a scheme, notice of the application will be given by advertisement in the "\_\_\_\_\_" newspaper, and if such authority is given, notice of the fact will also be given in like manner.

I also give you notice that if you desire to confer with the Council or their officers in regard to the proposed application the Council will on being so informed be prepared to arrange for a conference at any time within twenty-one days from the date of service of this notice upon you.

I am, Sir (or Madam),

Your obedient Servant,

*Clerk to the Council.*

*\* This will be a reduced copy of Map No. 1.*

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Form of Advertisement of Notice of intention to apply to the Local Government Board for authority to prepare a scheme.

HOUSING, TOWN PLANNING, &c. ACT, 1909.

URBAN DISTRICT OF \_\_\_\_\_

TOWN PLANNING SCHEME.

NOTICE IS HEREBY GIVEN pursuant to Part II. of the Housing, Town Planning, &c. Act, 1909, and the Town Planning Procedure Regulations (Preparation of Schemes by Local Authorities) 1914, that the Urban District Council of \_\_\_\_\_ intend at the expiration of four weeks from the date of the publication of this Notice to apply to the Local Government Board for authority to prepare a Town Planning Scheme in respect of the lands situate in the Urban District of \_\_\_\_\_ in the County of \_\_\_\_\_, and in the Parish of \_\_\_\_\_ in the Rural District of \_\_\_\_\_, enclosed within the inner edge of a red border on the map marked Map No. 1, which has been deposited at the Council Offices, \_\_\_\_\_ and which map will be open to inspection by any person interested without payment of any fee until the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, on any Saturday between the hours of 10 a.m. and 1 p.m., and on any other week-day between the hours of 10 a.m. and 5 p.m.

CC



## THE CASE FOR TOWN PLANNING.

NOTICE IS ALSO HEREBY GIVEN that when application is made to the Local Government Board for such authority to prepare a scheme, notice of the application will be given in the " \_\_\_\_\_ Newspaper," and if such authority is given notice of the fact will also be given in like manner.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*Clerk to the Council.*

Form of Notification to the Local Government Board under Article II. (e).

URBAN DISTRICT COUNCIL.

COUNCIL OFFICES,

19 \_\_\_\_\_.

SIR,

HOUSING, TOWN PLANNING, &C. ACT, 1909.

PROPOSED TOWN PLANNING SCHEME.

In accordance with Article II. (e) of the Town Planning Procedure Regulations (Preparation of Schemes by Local Authorities), I beg to inform you that this Council have issued a notice to prescribed persons within the meaning of the said Regulations of which notice I enclose you a copy.

I am, Sir,

Your obedient Servant,

*Clerk to the Council.*

The Secretary,

Local Government Board,  
Whitehall, S.W.

ARTICLE IV.—(a) An application to the Board by a local authority for authority to prepare a scheme shall be made by a resolution of the local authority.

(b) The resolution shall define, by reference to a map prepared on a scale of not less than 25.344 inches to the mile (to be marked and known as "Map No. 2"), the land in reference to which it is desired to prepare the scheme, and shall state whether the land is entirely within the area of the local authority or wholly or partly within a neighbouring area. The said map shall show clearly by means of boundary lines defined in colour the area of the land to which the application extends, distinguishing between the parts of the land included within the area of the local authority and within the area of any other local authority. If the area of the land includes any piece of land already built upon or any piece of land not likely to be used for building purposes, any such lands shall be indicated on the map by distinctive colours and any necessary reference notes, and there shall also be shown on the map in like manner the positions of any buildings which have been erected on the land or of any buildings which are in course of erection.

(c) A copy of the resolution certified by the Clerk of the local authority shall be transmitted without delay to the Board by the Clerk, together with a statement as to the total number of members of the local authority, the number who voted for the resolution, the number who voted against the resolution, the number who were present at the meeting but did not vote, and the number absent from the meeting.

(d) The Map No. 1 prepared and deposited under Article II. may, if the local authority think fit, be used for the purposes of Map No. 2: Provided that, if it is so used—

- (1) It shall be marked " Map No. 1 and Map No. 2 " ;
- (2) It shall not be altered in such a manner that it would cease to show the precise area originally shown thereon under Article II., and if the area to which the application for authority to prepare a scheme extends does not include the whole of the area so shown on Map No. 1 the part excluded from the application shall be indicated on the map ;
- (3) A statement shall be made and signed on the face of the map showing precisely what part or what features of it constituted the original Map No. 1 ;
- (4) The sending to the Board of a copy of the combined Map No. 1 and Map No. 2 shall satisfy the requirements of these Regulations as to sending a copy of Map No. 1 and a copy of Map No. 2.

Form of Resolution of Local Authority applying to the Local Government Board for authority to prepare a scheme.

RESOLVED : " That application be made to the Local Government Board for authority " to prepare a Town Planning scheme under the powers of the Housing, Town Planning, " &c. Act, 1909, in relation to the lands situate in the Urban District of \_\_\_\_\_, in " in the County of \_\_\_\_\_, and in the Parish of \_\_\_\_\_, in " the Rural District of \_\_\_\_\_, in the County of \_\_\_\_\_, " enclosed within the inner edge of a red border on the map now produced and marked " Map No. 2."

ARTICLE V.—In connection with an application for authority to prepare a scheme the local authority shall furnish the Board with the documents, statements, and other particulars and information herein-after indicated :—

- (a) The certificate and exhibits required by Article XXIII. in proof of compliance with the requirements of Articles II. and III.

- (b) A copy of Map No. 2 duly certified by the Clerk or some other officer of the local authority.
- (c) A copy of all objections made in writing in reference to the proposals of the local authority so far as the objections have not been withdrawn or removed.
- (d) Information as to the acreage and general character of the land to which the application extends, the extent to which the land is in course of development, the extent to which the land is likely to be used for building purposes, and, as regards the last-mentioned land, the grounds for considering that the land is likely to be so used.
- (e) The reasons on which the local authority rely in support of their application.
- (f) If the application extends to land already built upon or land not likely to be used for building purposes, the reasons which, in the opinion of the local authority, render it necessary or desirable to include such lands in the proposed scheme ; particulars of the buildings on the lands ; such information as the local authority may be in a position to give in regard to the extent to which it would be necessary to provide for the demolition or alteration of the buildings for the purpose of carrying the proposed scheme into effect ; and, as regards any land not likely to be used for building purposes, the grounds on which it is considered that such land would not be so used.
- (g) Information as to the need for improved means of communication by road in or through the area of the land to which the application extends whether by the widening or improvement of existing roads or the construction of new roads, and as to any proposals for the stopping up or diversion of existing roads or for the allocation of lands for open spaces or for other special purposes.
- (h) Information as to the arrangements in operation in the area of the local authority in regard to sewerage, drainage and sewage disposal, water supply and lighting, and the like information in regard to the area of any other local authority in which any part of the land to which the application extends is comprised. If any company, whether statutory or otherwise, is supplying or has power to supply water, gas, or electricity in the area of that land, it should be so stated and particulars given in regard thereto.



- (i) If the land to which the application extends is not wholly within the area of the local authority making the application, information shall be supplied as to the proposals in regard to the authority who are to be responsible for enforcing the observance of the scheme and for the execution of any works which under such scheme, or under Part II of the Act of 1909, may have to be executed by a local authority.
- (j) Information as to any monuments or ancient monuments, within the meaning of the Ancient Monuments Consolidation and Amendment Act, 1913, situate within the area included in the scheme, and as to the manner in which they would be affected.
- (k) A statement that the land to which the application extends does not include any Crown lands.

Form of Certificate of Compliance with the requirements of Articles II. and III. of the Regulations.

HOUSING, TOWN PLANNING, &C. ACT, 1909.

TOWN PLANNING SCHEME.

I, \_\_\_\_\_ of  
in the County of \_\_\_\_\_ Clerk to the Urban District Council of  
(hereinafter called the Council), hereby certify as follows :—

1. That pursuant to Articles II. and III. of the Town Planning Procedure Regulations (Preparation of Schemes by Local Authorities), 1914, I served the prescribed persons within the meaning of Article XXVII. of the said Regulations, a list of whom is set out in the Schedule hereto with a Notice of which a copy is hereto annexed, marked A1, of the intention of the Council to make an application to the Local Government Board for authority to prepare a Town Planning scheme, by sending the same by post on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, addressed at the respective usual or last known places of abode of persons required to be served. In the case of Local Authorities addressed to the respective Clerks of such Local Authorities at the respective offices of such Clerks, and in the case of Corporate bodies and Companies addressed to the respective Secretaries of such Corporate bodies and Companies at the respective offices of such Secretaries.
- 2 I caused to be inserted in the “ \_\_\_\_\_ ” newspaper, of the day of \_\_\_\_\_ 19\_\_\_\_, being a newspaper circulating in the area of the said Urban District, a notice of the said intention of the Council to apply for authority to prepare a scheme. A copy of the said newspaper is hereto annexed, marked A 2.

3. (a) On the            day of            19            , I served a copy of the said Notice marked A 1 upon the following persons they being abroad by delivering them personally to their respective agents, as follows :—  
 (b) After making reasonable enquiries I was unable to ascertain the owner of a piece of land known as            and on the            day of 19            , I left a copy of the said Notice marked A1 with            , the occupier of the said piece of land.  
 (c) After making reasonable enquiries I was unable to ascertain the owner of a piece of land known as            , and there is no occupier thereof, and I caused a copy of the said Notice marked A1 to be put up on the said land.
4. On the            day of            19            , I deposited at the Council Offices,            a map of the land (marked Map No. 1) to which it is proposed that the application shall extend on the scale of 25.344 inches to the mile. A copy of Map No. 1 is hereto annexed.
5. On the            day of            19            , I sent by post to the Clerk of the Rural District Council of            , being the Local Authority of the District within which part of the land proposed to be included in the said scheme is comprised, a map on the scale of 6 inches to the mile certified to show accurately the land to which the application for authority to prepare the scheme extends.
6. On the            day of            19            , I informed the Local Government Board by letter of the issue of the said Notice marked A1.

Dated this            day of            19            .

*Clerk to the Council.*

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ARTICLE VI.—(a) In connection with an application for authority to prepare a scheme the local authority shall state as nearly as may be practicable the estimated cost of preparing the scheme and obtaining the approval of the Board thereto ; and if the local authority contemplate that the execution of the scheme when made and approved will involve capital expenditure chargeable on the rates they shall also state the amount of such expenditure so far as they may be in a position to form an estimate thereof. The amount of such cost and expenditure expected to be borne by (1) the local authority making the application, and (2) any other local authority shall be indicated.

(b) Subject to the proviso herein-after contained, the local authority shall also furnish a statement showing the following particulars with respect to the district of the local authority, that is to say :—

- (i) the acreage ;
- (ii) the population according to the last census ;
- (iii) the rateable value for the purposes of the poor rate ;
- (iv) the amount in the pound of every rate levied during the three last preceding financial years ;

- (v) the amount of the balances of the outstanding loans contracted by the local authority and the sum included in such amount in respect of loans for sanitary purposes ; and
- (vi) the amount of the loans sanctioned but not raised though proposed to be raised, and the sum included in such amount in respect of loans for sanitary purposes

Provided that if it is proposed that the cost of the scheme to be borne by the local authority shall be charged upon any contributory place or places in their district the particulars required under heads (i), (ii), (iii), and (iv) hereof shall be given with respect to such place or places only.

(c) If any part of the cost of the scheme is expected to be borne by a local authority other than the local authority making the application, the first-mentioned local authority shall make a statement showing in regard to their district the several particulars indicated in paragraph (b) of this Article, and shall supply the same to the last-mentioned local authority, who shall transmit it to the Board in connection with the said application.

ARTICLE VII.—When the local authority have transmitted to the Board the resolution applying for authority to prepare a scheme, the local authority shall forthwith give notice of the fact and of the date of the resolution making the application by advertisement in some newspaper or newspapers circulating in the area of the local authority. A copy of the newspaper containing the advertisement shall forthwith be forwarded to the Board.

Form of Advertisement of Notice of Transmission to the Local Government Board of an application for authority to prepare a scheme.

HOUSING, TOWN PLANNING, &C. ACT, 1909.

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TOWN PLANNING SCHEME.

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NOTICE IS HEREBY GIVEN that the Urban District Council of \_\_\_\_\_ have transmitted to the Local Government Board a Resolution dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, making application for authority to prepare a Town Planning scheme with reference to certain lands in the Urban District of \_\_\_\_\_ and in the Parish of \_\_\_\_\_, in the Rural District of \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*Clerk to the said Council.*

COUNCIL OFFICES,



PROCEDURE DURING, ON, AND AFTER THE PREPARATION AND  
BEFORE THE APPROVAL OF THE SCHEME.

ARTICLE VIII.—(a) When authority has been given by the Board to the preparation by a local authority of a scheme with reference to any land, the local authority shall forthwith give notice by advertisement in some newspaper or newspapers circulating in the area of the local authority that such authority has been given and that a copy of the Order or instrument giving such authority may be inspected, and any necessary explanation or information in regard thereto may be obtained, without payment of any fee, at a place which shall be specified in the notice, at all reasonable hours (specifying the same) on any week-day pending the preparation of the scheme.

(b) If the land in reference to which authority to prepare a scheme has been given as aforesaid excludes any land in regard to which an application under Article IV. was made to the Board, the local authority shall serve notice of the exclusion of such land upon such of the prescribed persons as are interested in the land so excluded.

(c) The notice to be given under paragraph (a) of this Article shall also state that the local authority propose to prepare a scheme, and that any person interested or affected desiring to be heard in reference to such proposal, including any persons representing architectural or archæological societies or otherwise interested in the amenity of the proposed scheme, should give notice in writing to the Clerk to the local authority within twenty-one days from the date of the notice.

(d) The local authority shall make suitable provision for affording to any person interested or affected inspecting the Order or instrument of the Board giving authority to prepare a scheme any necessary explanation or information in regard thereto.

Form of Advertisement of Notice of Authority having been given by the Local Government Board to prepare a scheme.

HOUSING, TOWN PLANNING, &C. ACT, 1909.

URBAN DISTRICT OF \_\_\_\_\_

TOWN PLANNING SCHEME.

NOTICE IS HEREBY GIVEN that the Local Government Board have under the provisions of Sub-Sections (2) and (3) of Section 54 of the Housing, Town Planning, &c. Act, 1909, authorised the Urban District Council of \_\_\_\_\_, in the County of \_\_\_\_\_ (hereinafter referred to as "the Council") to prepare a Town Planning scheme with reference to certain lands situate partly within the Urban District of \_\_\_\_\_ and partly within the Rural District of \_\_\_\_\_, enclosed

within the inner-edge of a red border on a certain map deposited at the office of the Council at \_\_\_\_\_ and marked Map No. 2 (but including land already built upon and land not likely to be used for building purposes) with the exception of the pieces of land which are edged and hatched with violet lines on the said map marked "Map No. 2."

NOTICE IS ALSO HEREBY GIVEN that the Local Government Board have further authorised the Council in the preparation of a scheme as aforesaid to provide therein for the demolition or alteration of any buildings on the land included in the area in respect of which a scheme may be prepared as aforesaid, so far as may be necessary for carrying the scheme into effect.

A copy of the Order or instrument giving such authority may be inspected and any necessary explanation or information in regard thereto may be obtained without payment of any fee at the said office of the Council on any Saturday between the hours of 10 a.m. and 1 p.m., and on any other week-day between the hours of 10 a.m. and 5 p.m. pending the preparation of the scheme.

Pursuant to the above authority the Council propose to prepare a Town Planning scheme, and notice is hereby also given that any person interested or affected desiring to be heard in reference to such proposal including any persons representing architectural or archæological societies, or otherwise interested in the amenity of the proposed scheme, should give such notice in writing to me, the undersigned, within 21 days from the date of this Notice.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

*Clerk to the Council.*

COUNCIL OFFICES,  
\_\_\_\_\_

Form of Notice to Prescribed Persons of Exclusion of Land in which they are interested from Proposed Area.

HOUSING, TOWN PLANNING, &C. ACT, 1909.

URBAN DISTRICT OF \_\_\_\_\_

TOWN PLANNING SCHEME.

COUNCIL OFFICES,

19 \_\_\_\_ .

SIR (OR MADAM),

I beg to give you notice that the Local Government Board have under the provisions of Sub-Sections (2) and (3) of Section 54 of the Housing, Town Planning, &c. Act, 1909, authorised the Urban District Council of \_\_\_\_\_, in the County of \_\_\_\_\_

(hereinafter referred to as "the Council") to prepare a Town Planning scheme with reference to certain lands situate partly within the Urban District of \_\_\_\_\_

and partly within the Rural District of \_\_\_\_\_, enclosed within the inner edge of a red border on a certain map deposited at the office of the Council at \_\_\_\_\_, and marked "Map No. 2," (including land already built upon, and likely to be used for building purposes) with the exception of the pieces of land which are edged and hatched with violet lines on the said map marked "Map No. 2."

I beg to further give you notice that lands in which you are interested fronting on  
are excluded from the lands in respect of  
which authority has been given.

A copy of the Order or instrument giving such authority may be inspected and any necessary explanation or information in regard thereto may be obtained without payment of any fee at the said Office of the Council on any Saturday between the hours of 10 a.m. and 1 p.m., and on any other week day between the hours of 10 a.m. and 5 p.m., pending the preparation of the scheme.

I am, Sir (or Madam),

Your obedient Servant,

*Clerk to the Council.*

ARTICLE IX.—In connection with the preparation of a scheme the local authority shall carefully consider all objections and representations made to them in writing by any persons interested or affected, including persons representing architectural or archæological societies or otherwise interested in the amenity of the proposed scheme.

Form of Notice to Owners enquiring as to Schemes of Development.

URBAN DISTRICT COUNCIL OF

COUNCIL OFFICES,

19

SIR (OR MADAM),

TOWN PLANNING SCHEME.

The above Council are now preparing a Town Planning scheme in accordance with the authority given to them by the Local Government Board.

They are very desirous of co-operating with all Landowners in the planning of the area of the proposed scheme. I am therefore directed to state that if you have any intention whatever of developing your land or any part of it either now or in the future, they hope that you will inform them as soon as possible of any ideas which you may have as to such development accompanied by sketch plans if possible.

The Town Planning Committee will be quite prepared to arrange for any interviews either with them or the officers of the Council which may be desirable.

I am,

Sir (or Madam),

Your obedient Servant,

*Clerk to the Council.*



Form of Notice to Owners of proposed development of adjoining Lands.

URBAN DISTRICT COUNCIL OF

COUNCIL OFFICES,

19

SIR,

## TOWN PLANNING SCHEME.

Plans have been submitted shewing the proposed development of land adjoining or near to other lands situate of which you are the Owner.

The Council are proceeding to deal with the proposals with a view to settling the draft scheme, and I shall be glad to hear therefore whether you have any suggestions to make for the development of your own property, as it is desirable to avoid any conflict of interests and to secure as far as possible your active co-operation.

What the Council desire particularly to know is whether you have any views as to the class of property which may be eventually erected on your land, and also whether you have any views as to the direction and character of any possible new roads and means of communication over adjoining lands.

I am, Sir,

Your obedient Servant,

*Clerk to the Council.*Form of Notice to Builders with Approval of Plans under Bye-Laws subsequent to date of Resolution of a Local Authority applying for authority to prepare a Town Planning Scheme.

URBAN DISTRICT COUNCIL OF

The approval of the plans sent herewith is an intimation only that they conform to the Bye-Laws in force in the District.

The land on which the buildings are proposed to be erected is included in the area for which the Local Government Board has authorised the Council to prepare a Town Planning scheme under the Housing, Town Planning, &c. Act of 1909, Section 58, Sub-Section 2 of which is set out below.

The Council will proceed to consider the plans as early as possible in connection with the proposed scheme.

HOUSING, TOWN PLANNING, &amp;C. ACT, 1909, SECTION 58, SS. 2.

"A person shall not be entitled to obtain compensation under this Section on account of any building erected on or contract made or other thing done with respect to land included in a scheme after the time at which the application for authority to prepare the scheme was made or after such other time as the Local Government Board may fix for the purpose."

*Clerk to the Council.*

COUNCIL OFFICES,

ARTICLE X.—When the local authority have fully considered and developed their proposals they shall cause to be printed a draft scheme embodying these proposals, and shall cause a map or, if the case so require, maps (to be marked and known as “ Map No. 3 ” or “ Map No. 3 (A),” “ Map No. 3 (B),” &c.) to be prepared on a scale of not less than 25.344 inches to the mile, showing clearly by means of boundary lines defined in colour the area of the land included in the proposed scheme distinguishing between the parts of the land included within the area of the local authority and within the area of any other local authority, and also showing thereon all such particulars and details in relation to the proposed scheme as can conveniently be indicated thereon by the aid of reference letters of numbers, descriptive notes, distinguishing colours, or otherwise ; and especially there shall be indicated and distinguished on the said map or maps :—

Existing main roads ;

Roads repairable by the inhabitants at large.

Roads or footways over which the public have a right of way ;

Roads on which tramways or light railways (*a*) have been constructed or (*b*) are authorised to be constructed.

Roads which the local authority propose shall be made as part of the scheme, indicating the widths thereof and any proposals as to the parts thereof to be appropriated or set apart for special purposes, and the connections of such roads with existing roads.

Roads or ways which it is proposed to stop up or divert ;

Land already built upon

Land not likely to be used for building purposes.

Land proposed to be allocated for use as open spaces (*a*) private or (*b*) public ;

Land to be used for any other purposes, including, *e.g.*, buildings for manufacturing purposes or buildings of a special character in reference either to the purposes to which they are to be applied or to their height or otherwise, indicating any restrictions proposed as to the number of buildings which may be erected on any portion of land or each acre in any portion of land.

Land to be acquired by the local authority for any purpose.

ARTICLE XI.—(*a*) When the local authority have prepared the draft scheme they shall, at least one month before deciding upon the scheme to be submitted to the Board for approval, serve upon the prescribed persons a notice that a draft scheme has been prepared by the local authority and that it is proposed to submit the same, with any modifications that may be found desirable, to the Board for

approval; and shall also give notice of such proposal by advertisement in some newspaper or newspapers circulating in the area of the local authority, and the advertisement shall be published at least one month before deciding upon the scheme to be submitted to the Board.

(b) The local authority shall, not later than the date on which the first of the said notices is given, deposit at a place convenient for the purposes of inspection and shall keep deposited thereat, for a period not being less than twenty-one days from the date on which the latest of the said notices is given, the draft scheme and the map or maps referred to in Article X., and the same shall be open for inspection by any persons interested or affected, without payment of any fee, at all reasonable hours on any week-day during the said period. The local authority shall also make suitable provision for affording to any such person inspecting the said draft scheme and map or maps any necessary explanation or information in regard thereto.

(c) The said notices shall define the land included in the proposed scheme, and shall state the place at which the draft scheme and map or maps referred to in paragraph (b) of this Article are deposited and the period and times during which the same will be open for inspection by any person interested or affected. The notices shall state that the local authority will be prepared to consider any objections or representations which may be made to them in writing during the said period, and the notice to be given by advertisement shall also state that the local authority will be prepared to consider any objections or representations made in writing by any persons affected, including any persons representing any architectural or archaeological society or otherwise interested in the amenity of the proposed scheme. The notices to the prescribed persons may also extend to the matters of which notice is to be given under Article XII.

Form of Notice of Preparation and Deposit of Draft Scheme.

HOUSING, TOWN PLANNING, &c. ACT, 1909.

URBAN DISTRICT COUNCIL OF

TOWN PLANNING SCHEME.

COUNCIL OFFICES,

19

SIR (OR MADAM),

I beg to give you Notice that the Urban District Council of  
(hereinafter called the Council), have prepared a Draft Town Planning scheme in relation  
to certain lands in the Urban District of \_\_\_\_\_ and in the Parish of \_\_\_\_\_  
in the Rural District of \_\_\_\_\_ in the County of \_\_\_\_\_  
more particularly described in the Schedule to this Notice.



## THE CASE FOR TOWN PLANNING.

Such lands are those enclosed within the inner edge of a red border on the plan annexed to the Notice dated the                      day of                      , 19                      , served by the Council upon owners, lessees and occupiers of lands within the area of the proposed scheme (excluding certain lands known as                      ).

And I beg to give you further Notice that it is proposed to submit the Draft Town Planning Scheme with or without modifications to the Local Government Board for approval.

I also beg to give you Notice that the Draft Scheme and Map marked Map No. 3 showing the area of the land included in the proposed scheme, and also showing particulars and details in relation to the proposed scheme, have been deposited at the Council Offices,

The Draft Scheme and Map may be seen at the Council Offices aforesaid, and explanations or information with reference thereto will be given without payment of any fee during the period up to and including the                      day of                      19                      , on any Saturday between 10 a.m. and 1 p.m., and on any other week-day between 10 a.m. and 5 p.m.

The Council will be prepared to consider any objections or representations which may be made to them in writing during the said period.

I am,

Sir (or Madam),

Your obedient Servant,

*Clerk to the Council.*

Schedule referred to in the foregoing Notice—General Description of Lands.

ARTICLE XII.—Article III. shall, with the necessary modifications, apply also in regard to procedure before the local authority decide upon the scheme to be submitted to the Board for approval.

Provided that the procedure under paragraph (b) (1) of that Article shall be adopted.

Form of Notice convening Conference of Owners and Persons interested.

URBAN DISTRICT COUNCIL OF

COUNCIL OFFICES,

19                      .

SIR (OR MADAM),

TOWN PLANNING SCHEME.

Referring to the accompanying Notice informing you of the preparation and deposit of the draft Town Planning scheme made by the above-named Council, I am directed to inform you that the Council have in pursuance of the Town Planning Procedure Regulations (Preparation of Schemes by Local Authorities), 1914, fixed                      day, the 19                      , at                      p.m., at the Council Offices,                      for a Meeting for

the purpose of considering the draft scheme, at which you and any others interested in the scheme are invited to be present.

The Council trust that they may continue to receive the assistance and co-operation of landowners during the remaining stages of the scheme.

I am,

Sir or Madam,

Your obedient Servant,

*Clerk to the Council.*

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Form of Advertisement of Notice of preparation and Deposit of Draft Scheme.

HOUSING, TOWN PLANNING, &C. ACT, 1909.

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URBAN DISTRICT COUNCIL OF

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COUNCIL OFFICES,

19 .

NOTICE IS HEREBY GIVEN that the Urban District Council of  
in the County of (hereinafter called the Council) have prepared a  
draft Town Planning scheme in relation to certain lands in the Urban District of  
and in the Parish of , in the Rural District of  
in the County of , more particularly described in the Schedule  
to this Notice.

NOTICE IS HEREBY ALSO GIVEN that it is proposed to submit the draft Town Planning scheme with or without modifications to the Local Government Board for approval.

NOTICE IS HEREBY ALSO GIVEN that the Draft Scheme and Map marked Map No. 3, showing the area of the land included in the proposed scheme, and also showing particulars and details in relation to the proposed scheme, have been deposited at the Council Offices,

The Draft Scheme and Map may be seen at the Council Offices aforesaid, and explanations or information with reference thereto will be given without payment of any fee during the period up to and including the day of 19 , on any Saturday between 10 a.m. and 1 p.m., and on any other week-day between 10 a.m. and 5 p.m.

The Council will be prepared to consider any objections or representations which may be made to them in writing during the said period.

Dated this day of 19 .

*Clerk to the Council.*

The Schedule referred to in the foregoing Notice.

ARTICLE XIII.—When the local authority have decided upon the scheme to be submitted to the Board for their approval, they shall make an Order under their seal, authenticated by the signature of their Clerk or deputy Clerk, making the scheme.

A map, or, if the case so require, maps prepared in the manner and containing the particulars and details required by Article X. of these Regulations, but to be marked and known as “ Map No. 4,” or “ Map No. 4 (A),” “ Map No. 4 (B),” &c., shall be sealed with the seal of the local authority in connection with the Order :

Provided that if (a) the map or maps required by this Article to be prepared and sealed in connection with the Order would be identical in all respects with the map or maps prepared in accordance with Article X., or (b) the Board consent under Article XXVI. of these Regulations, the last-mentioned map or maps may, if the local authority think fit, be used for the purposes of this Article, but if so used, they shall also be marked as indicated in this Article as well as in the manner required by Article X.

Form of Resolution of Local Authority to make Order under Seal making Town Planning scheme.

RESOLVED : “ That an Order under Seal of the Council be made making the Town “ Planning scheme now submitted to the Council and that Map No. 4 be sealed in connection “ with such order.”

Form of Order of Local Authority making a Town Planning Scheme.

HOUSING, TOWN PLANNING, &c. ACT, 1909.

URBAN DISTRICT OF

TOWN PLANNING SCHEME.

WHEREAS by Section 54 of the Housing, Town Planning, &c. Act, 1909, it is enacted (*inter alia*) as follows :—

1. A Town Planning scheme may be made in accordance with the provisions of this part of this Act as respects any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connection with the laying out and use of the land, and of any neighbouring lands.
2. The Local Government Board may authorise a Local Authority within the meaning of this Part of this Act to prepare such a Town Planning scheme with reference to any land within or in the neighbourhood of their area, if the Authority satisfy the Board that there is a *prima facie* case for making such a scheme, or may authorise a Local Authority to adopt, with or without any modifications, any such scheme proposed by all or any of the owners of any land with respect to which the Local Authority might themselves have been authorised to prepare a scheme.



3. Where it is made to appear to the Local Government Board that a piece of land already built upon or a piece of land not likely to be used for building purposes is so situated with respect to any land likely to be used for building purposes that it ought to be included in any Town Planning scheme made with respect to the last mentioned land the Board may authorise the preparation or adoption of a scheme including such piece of land as aforesaid and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

AND WHEREAS the Urban District Council of \_\_\_\_\_ passed a resolution on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, applying to the Local Government Board to authorise the said Council to prepare a Town Planning scheme with respect to certain lands situate in the Urban District of \_\_\_\_\_ and in the Parish of \_\_\_\_\_ in the Rural District of \_\_\_\_\_, and edged with red and red hatched borders on a certain Map marked No. 2 referred to in the said resolution, but excluding the portions of the said lands edged brown on such Map;

AND WHEREAS by an instrument in writing dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, under the Seal of Office of the Local Government Board under the provisions of the above recited Sub-Sections of the said Act, the Local Government Board authorised the said Council to prepare a Town Planning scheme with reference to the lands (including land already built upon and land not likely to be used for building purposes) to which the aforesaid application related subject to the exceptions therein mentioned and further authorised the said Council in the preparation of a scheme as aforesaid to provide therein for the demolition or alteration of any buildings on the lands in respect of which a scheme might be prepared as aforesaid so far as might be necessary for carrying the scheme into effect.

NOW THEREFORE WE THE URBAN DISTRICT COUNCIL OF \_\_\_\_\_ in the County of \_\_\_\_\_ DO BY THIS ORDER MAKE the following Town Planning scheme with reference to the land referred to in the said recited Instrument under the Seal of Office of the Local Government Board, which land is enclosed within the inner edge of a red border on a Map marked Map No. 4, sealed with our seal in connection with this Order that is to say :—

(Here follows scheme.)

The Common Seal of the Urban District Council of \_\_\_\_\_ was hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, in the presence of

*Chairman.*  
*Clerk.*



ARTICLE XIV.—An application to the Board to approve the scheme as made by the local authority by an Order in pursuance of Article XIII. shall be made by a resolution of the local authority; and a copy of the resolution, certified by the Clerk to the local authority, shall be transmitted without delay to the Board by the Clerk, with a statement as to the total number of members of the local authority, the number who voted for the resolution, the number who voted against the resolution, the number who were present at the meeting but did not vote, and the number absent from the meeting.

Form of Resolution of Local Authority applying to the Local Government Board to approve Town Planning scheme.

RESOLVED : " That application be made to the Local Government Board to approve  
 " the Town Planning scheme made by the Order of the Council, under Seal dated this  
 " day of 19 , making such scheme in pursuance of Article  
 " XIV. of the Town Planning Procedure Regulations (Preparation of Schemes by Local  
 " Authorities) 1914."

ARTICLE XV.—In connection with an application for the approval of the Board to the scheme as made by the local authority, the local authority shall furnish the Board with the documents, statements, and other particulars and information herein-after indicated :—

- (a) The certificate and exhibits required by Article XXIII., in proof of compliance with the requirements of Articles VIII., XI., and XII.
- (b) A sealed copy and six other copies of the Order of the local authority containing the scheme as made by them, and a certified copy of every map referred to in the Order.
- (c) A map on a scale of not less than 25.344 inches to the mile, or a plan drawn to some larger scale (to be marked and known as " Map No. 5 ") showing the area of the land included in the scheme so divided as to indicate as nearly as may be the portions of such land belonging to different owners. The map or plan shall show as regards each portion of the land the name of the owner or shall bear numbers having reference to a statement, to be annexed to the map or plan showing the names of the owners.
- (d) A copy of all objections made in writing in reference to the scheme as originally prepared so far as the objections have not been withdrawn or removed in the scheme as finally made by the local authority.
- (e) Any particulars and information in regard to the matters mentioned in paragraphs (d) to (k) of Article V., so far as it may be necessary to supplement or vary the particulars and information previously furnished under those paragraphs.
- (f) The names and addresses of the owners of each parcel of the land included in the scheme, and the approximate extent of each such parcel.
- (g) Information to show whether the scheme admits of satisfactory provision being made in regard to the supply of water, gas, or electricity within the area included in the scheme.

- (h) Information in regard to any tramways or light railways constructed or authorised to be constructed in the area included in the scheme or in the immediate neighbourhood thereof.
- (i) Information as to the extent to which it may be contemplated or necessary under the scheme that land shall be acquired by (1) the local authority submitting the scheme or (2) any other local authority, and as to the probability of the lands being acquired by agreement.
- (j) Particulars in regard to any land included in the scheme which belongs to (1) the local authority submitting the scheme or (2) any other local authority ; the purposes for which and the authority under which such land was acquired or is held ; and also information as to any proposal in regard to its use for any other purposes under the scheme.
- (k) If the local authority are of opinion that any property will be injuriously affected by the making of the scheme, within the meaning of the Act of 1909, information, so far as it is practicable to give the same, in regard to such property and as to the extent to which the local authority consider that it may be injuriously affected.
- (l) Detailed particulars of any works which are to be executed under the scheme by any person or local authority, so far as any such particulars are available.
- (m) If the scheme contains provisions suspending any enactment contained in a public general Act, a full explanation of any such provisions and the reasons which are considered to justify their insertion.
- (n) If the scheme contains provisions suspending any other statutory enactments, byelaws, regulations, or other provisions which are in operation in the area included in the scheme, a full explanation of any such provisions and the reasons which are considered to justify their insertion.
- (o) Particulars of any land forming part of any common, open space, or allotment, within the meaning of Section 73 of the Act of 1909, which is within the area included in the scheme, and of any part of that land which under the scheme is authorised to be acquired or appropriated to any other purpose, and particulars in regard to any land proposed to be given in exchange for the land so to be acquired or appropriated.
- (p) Particulars of any land included in the scheme which is situate within the distance prescribed by Regulations made by the Board under Section 74 of the Act of 1909 from any of the royal palaces or parks.



## THE CASE FOR TOWN PLANNING.

Form of Certificate of compliance with Articles VIII., XI., and XII.

HOUSING, TOWN PLANNING, &amp;C. ACT, 1909.

## TOWN PLANNING SCHEME.

I, \_\_\_\_\_ of \_\_\_\_\_  
in the County of \_\_\_\_\_, Clerk to the Urban District Council of  
(hereinafter called the Council) hereby certify as follows:—

1. Pursuant to Article VIII. of the Town Planning Procedure Regulations (Preparation of Schemes by Local Authorities) 1914, I caused to be inserted in the \_\_\_\_\_ newspaper of the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, being a newspaper circulating in the area of the said Urban District a notice that authority had been given by the Local Government Board authorising the Council to prepare a Town Planning scheme, and giving such further information as is required to be given by the said Article VIII. of the said Regulations. A copy of the said newspaper is hereto annexed marked A3.
2. Pursuant to the said Article VIII. I served such of the prescribed persons within the meaning of Article XXVII. of the said Regulations as were interested in the land excluded by such authority from the land in respect of which application had been made by the Council to the Local Government Board for authority to prepare a scheme, a list of whom is set out in the first Schedule hereto, with a Notice, a copy of which is hereto annexed marked A4, by sending the same by post on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, addressed at the respective usual or last known place of abode of persons required to be served. In the case of Local Authorities addressed to the respective Clerks of such Local Authorities at the respective offices of such Clerks, and in the case of Corporate bodies and Companies addressed to the respective Secretaries of such Corporate bodies or Companies, at the respective offices of such Secretaries.
3. That pursuant to Article XI. of the said Regulations, I served the prescribed persons within the meaning of Article XXVII. of the said Regulations, a list of whom, also showing the several parcels of land in respect of which notice was served upon each of such persons, is set out in the second Schedule hereto, with a Notice, a copy of which is hereto annexed marked A5, of the preparation and deposit of a draft Town Planning scheme and of the proposal of the Council to submit the same with any modifications which might be found desirable to the Local Government Board for approval, and also pursuant to Article XII. of the said Regulations with a Notice, a copy of which is hereto annexed marked A6, of a Meeting for the purpose of considering the draft scheme by sending the same by post on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, addressed at the respective usual or last known places of abode of persons requiring to be served. In the case of Local Authorities addressed to the respective Clerks of such Local Authorities at the respective offices of such Clerks, and in the case of Corporate bodies and Companies addressed to the respective Secretaries of such Corporate bodies and Companies at the respective offices of such Secretaries. (*If any persons are abroad, &c., see Form on page 486.*)
4. On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, I deposited at the Council Office a draft of a Town Planning scheme, and also the Map No. 3 therein referred to, copies of which draft scheme and Map No. 3 are hereto annexed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*Clerk to the Council.*

ARTICLE XVI.—(a) In connection with an application to the Board for their approval of the scheme prepared by the local authority, information shall be furnished in regard to the estimated cost of carrying out the scheme, so far as the cost is to be borne by (1) the local authority making the application and (2) any other local authority. Separate particulars shall be given under the following heads :—

*Expenditure.*

Purchase of land for open spaces.

Purchase of land for other purposes, specifying them.

Purchase of buildings.

Demolition or alteration of buildings.

Compensation in respect of property injuriously affected by the scheme.

Making or alteration of roads or ways.

Sewerage or drainage.

Cost of preparing the scheme.

Other purposes, specifying them.

*Receipts.*

In respect of property increased in value.

From other sources, specifying them.

(b) If the statement or statements of particulars furnished under Article VI. (b) or (c) has or have owing to lapse of time or other circumstances become inaccurate in any material respect, an amended statement or amended statements of such particulars shall be supplied.

(c) There shall also be supplied a list and a copy of all Local Acts, Provisional Orders, byelaws, or regulations in force in the area of any local authority any part of whose district is included in the scheme ; and in the case of any part of a district other than that of the local authority making the application to the Board being so included, such list and copy shall be supplied by the local authority of that district to the local authority making the application, who shall transmit them to the Board.

ARTICLE XVII.—When the local authority have submitted to the Board for their approval the scheme prepared by the local authority they shall forthwith give notice of such submission by advertisement in some newspaper or newspapers circulating in the area of the local authority. The notice shall also state that a copy of the scheme submitted to the Board may be inspected by persons affected, including persons representing architectural and archæological societies or otherwise interested in the amenity of the scheme, at a place to be specified in the notice, without payment of any fee, at all reasonable hours (specifying the same) on any week-day within a period of one month from the date of the notice, and that any objections and representations by any such persons should be made in writing and addressed to the Board, at their Office, within the said period. A copy of the newspaper or newspapers containing such advertisement shall be forwarded to the Board by the Clerk to the local authority.

Form of Advertisement of Notice of submission of a Town Planning scheme to the  
Local Government Board for approval.

HOUSING, TOWN PLANNING, &c. ACT, 1909.

TOWN PLANNING SCHEME.

NOTICE IS HEREBY GIVEN pursuant to Article XVII. of the Town Planning Procedure Regulations (Preparation of Schemes by Local Authorities) 1914, that the Urban District Council of \_\_\_\_\_ in the County of \_\_\_\_\_ (hereinafter referred to as "the Council") have submitted to the Local Government Board for their approval a Town Planning scheme prepared by the Council with reference to certain lands situate in the Urban District of \_\_\_\_\_ and in the Parish of \_\_\_\_\_ in the Rural District of \_\_\_\_\_ in the County of \_\_\_\_\_

A copy of the Town Planning scheme submitted to the Local Government Board may be inspected by any persons affected, including any persons representing architectural or archaeological societies or otherwise interested in the amenity of the proposed scheme without any fee at the office of the Council at \_\_\_\_\_ on any Saturday between the hours of 10 a.m. and 1 p.m., and on any other week-day between the hours of 10 a.m. and 5 p.m. for a period of one month from the date of this Notice, and any objections or representations by any such persons should be made in writing and addressed to the Local Government Board at their Office, Whitehall, London, S.W., within the said period.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

*Clerk to the Council.*

COUNCIL OFFICES,

ARTICLE XVIII.—(a) If the Board propose to make any modifications in, or to attach any conditions to, the scheme submitted for their approval and transmit to the local authority a draft Order for approving the scheme with such modifications and conditions, the local authority shall within fourteen days after the receipt of the draft Order serve notice upon the prescribed persons and also give notice by advertisement in some newspaper or newspapers circulating in the area of the local authority that the Board have caused a draft Order to be prepared for approving the scheme subject to modifications or conditions, that a copy of the draft Order may be inspected and any information in regard thereto may be obtained, without payment of any fee, at a place which shall be specified in the notice, at all reasonable hours (specifying the same) on any week-day during the period of one month from the date of the notice, and that any objections or representations in regard to such modifications and conditions should be made in writing and addressed to the Board at their office within a period of one month from the date of the serving of the notice on the prescribed persons or the date of the notice by advertisement as the case may be.



(b) The local authority shall furnish the Board within a period of one month from the receipt of the draft Order with any objections or representations which they may desire to make in regard to the proposed modifications and conditions, and shall also within the same period transmit to the Board the certificate and exhibits required by Article XXIII. in proof of compliance with the requirements of this Article.

Form of Notice to prescribed persons that the Local Government Board have caused a Draft Order to be prepared for approving a Town Planning scheme subject to modifications or conditions.

HOUSING, TOWN PLANNING, &C. ACT, 1909.

URBAN DISTRICT OF

COUNCIL OFFICES,

TOWN PLANNING SCHEME.

SIR (OR MADAM),

I hereby give you notice that the Local Government Board have caused a draft Order to be prepared for approving the Town Planning scheme made by the Urban District Council of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, subject to certain modifications and conditions, and that a copy of the draft Order may be inspected and any information in regard thereto may be obtained without payment of any fee at the Council Offices, \_\_\_\_\_ on any Saturday between the hours of \_\_\_\_\_ a.m. and \_\_\_\_\_ p.m., and on any other week-day between the hours of \_\_\_\_\_ a.m. and \_\_\_\_\_ p.m., during the period of one month from the date of this notice.

I also hereby give you notice that any objections or representations in regard to such modifications and conditions should be made in writing and addressed to the Local Government Board at their office, Whitehall, London, S.W., within a period of one month from the date of the service of this notice upon you.

I am, Sir (or Madam),

Your obedient Servant,

*Clerk to the Council.*

Form of Advertisement of Notice that the Local Government Board have caused a Draft Order to be prepared for approving a Town Planning scheme subject to modifications and conditions.

HOUSING, TOWN PLANNING, &C. ACT, 1909.

URBAN DISTRICT OF

TOWN PLANNING SCHEME.

NOTICE IS HEREBY GIVEN that the Local Government Board have caused a draft Order to be prepared for approving the Town Planning scheme made by the Urban District Council of \_\_\_\_\_ in the County of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, subject to certain modifications and conditions, and that a

## THE CASE FOR TOWN PLANNING.

copy of the draft Order may be inspected and any information in regard thereto may be obtained without payment of any fee at the Council Offices at \_\_\_\_\_ on any Saturday between the hours of 10 a.m. and 1 p.m., and on any other week-day between the hours of 10 a.m. and 5 p.m., during the period of one month from the date of this notice.

NOTICE IS HEREBY ALSO GIVEN that any objections or representations in regard to such modifications and conditions should be made in writing and addressed to the Local Government Board at their Office, Whitehall, London, S.W., within a period of one month from the date of this notice.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

*Clerk to the Council.*

COUNCIL OFFICES,

Form of Certificate of Clerk to Local Authority of compliance with Article XVIII.

HOUSING, TOWN PLANNING, &C. ACT, 1909.

URBAN DISTRICT OF \_\_\_\_\_

TOWN PLANNING SCHEME.

I, \_\_\_\_\_ of \_\_\_\_\_  
in the County of \_\_\_\_\_, Clerk to the Urban District Council of \_\_\_\_\_  
do hereby certify as follows:—

1. Pursuant to Article XVIII. of the Town Planning Procedure Regulations (Preparation of Scheme by Local Authorities) 1914, I served the prescribed persons within the meaning of Article XXVII. of the said Regulations, a list of whom is set out in the Schedule hereto, with a notice of which a copy is hereunto annexed marked A7, that the Local Government Board had caused a draft Order to be prepared for approving the above scheme subject to certain modifications and conditions, sending the same by post on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, addressed at the respective usual or last known places of abode of persons requiring to be served. In the case of Local Authorities addressed to the respective Clerks of such Local Authorities at the respective offices of such Clerks, and in the case of Corporate bodies or Companies addressed to the respective Secretaries of such Corporate bodies and Companies at the respective offices of such Secretaries.
2. On the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, I served a copy of the said notice marked A7 upon the following persons, they being abroad, by delivering them personally to their respective agents:
3. Pursuant to the said Article XVIII., I caused to be inserted in the issue of the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, of the \_\_\_\_\_, being a newspaper circulating in the area of the said Urban District of \_\_\_\_\_ an advertisement, and a copy of the said issue of the said newspaper is hereunto annexed marked A8.
4. On the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, I deposited the draft Order of the Local Government Board approving of the said Town Planning scheme at the Council Offices,

The Schedule referred to.

\_\_\_\_\_  
List of Persons, &c., served.

*Clerk to the Council.*

ARTICLE XIX.—(a) When the Board have decided to approve the scheme submitted for their approval, with or without modifications, and notify the local authority of the decision and transmit to the local authority a draft Order for approving the scheme, the local authority shall within fourteen days after the receipt of such notification give notice by advertisement in some newspaper or newspapers circulating in the area of the local authority that the Board intend to approve the scheme and propose, after the receipt by the Board of a copy of the newspaper or newspapers containing the advertisement, to publish forthwith in the London Gazette, in accordance with sub-section (4) of Section 54 of the Act of 1909, a notice of such their intention, and that any person or authority interested and deciding to object to the scheme being approved should make his or their objection in the manner prescribed by Article XX. within twenty-one days from the date of such publication in the London Gazette.

(b) A copy of the newspaper or newspapers containing the advertisement shall be forwarded to the Board by the Clerk to the local authority immediately on the publication thereof.

(c) The local authority shall deposit at a place convenient for the purposes of inspection and shall keep deposited thereat the draft Order forwarded to them under this Article, for the full period of twenty-one days from the date of the said publication in the London Gazette, and the draft Order shall be open for inspection by any person interested, without payment of any fee, at all reasonable hours on any week-day during the said period.

Form of Advertisement of Notice of intention of the Local Government Board to approve a Town Planning scheme.

HOUSING, TOWN PLANNING, &C. ACT, 1909.

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APPROVAL OF TOWN PLANNING SCHEME UNDER PART II.

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URBAN DISTRICT OF

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TOWN PLANNING SCHEME.

NOTICE IS HEREBY GIVEN that the Local Government Board intend to approve the above scheme as modified by them, and propose, after the receipt by the Board of a copy of the newspaper or newspapers containing this advertisement, to publish forthwith in the "London Gazette," in accordance with Sub-Section (4) of Section 54 of the above Act of 1909, a notice of such their intention, and that any person or authority interested and deciding to object to the scheme being approved should make his or their objection in the manner prescribed by Article XX. of the Town Planning Procedure Regulations (Preparation of Schemes by Local Authorities) 1914, (a copy of which article is Appended hereto) within twenty-one days from the date of such publication in the "London Gazette."



## ARTICLE XX. OF THE SAID REGULATIONS IS AS FOLLOWS :—

"ARTICLE XX. When the notice of the intention of the Board to approve a scheme has been published in pursuance of Sub-Section (4) of Section 54 of the Act of 1909, any person or authority interested and deciding to object to the scheme being approved shall make his or their objection in the following manner, that is to say :—

"The objection shall be made to and be brought before the Board by means of a letter, or other representation in writing, which shall be addressed and posted, or shall be otherwise given, sent, or delivered to the Board at their Office. The letter or representation shall indicate clearly the scheme to which the objection is taken and shall state fully in what respects the person or authority objecting claims or claim to be interested in the scheme and the grounds on which the objection is made."

The Draft Order may be inspected by any person interested, without payment of any fee, at the Council Offices, , between the hours of 10 a.m. and 5 p.m. on any week-day (except Saturday, when the hours will be from 10 a.m. to 1 p.m.), during the period of twenty-one days from the date of the said publication by the Board in the "London Gazette."

Dated this                      day of                      19                      .

*Clerk to the Urban District Council of*

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ARTICLE XX.—When the notice of the intention of the Board to approve a scheme has been published in pursuance of sub-section (4) of Section 54 of the Act of 1909, any person or authority interested and deciding to object to the scheme being approved shall make his or their objection in the following manner, that is to say :—

The objection shall be made to and be brought before the Board by means of a letter, or other representation in writing, which shall be addressed and posted, or shall be otherwise given, sent, or delivered to the Board at their Office. The letter or representation shall indicate clearly the scheme to which the objection is taken, and shall state fully in what respects the person or authority objecting claims or claim to be interested in the scheme and the grounds on which the objection is made.

## PROCEDURE AFTER THE APPROVAL OF THE SCHEME.

ARTICLE XXI.—(a) The local authority, on receipt of a copy of the Order of the Board approving a scheme, shall without delay first publish notice of the approval of the scheme by advertisement in some newspaper circulating in the area of the local authority. The notice shall state that the scheme has been approved, with or without modifications or conditions as the case may be, and that the Order of the Board giving the approval and a copy of any map or plan

## REGULATIONS, FORMS AND NOTICES.

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referred to in the Order or scheme may be inspected and any necessary explanation or information in regard thereto may be obtained without payment of any fee at a place which shall be specified in the notice at all reasonable hours (specifying the same) on any week-day during the period of three months after the date of the Order. They shall also, not earlier than the second day after the first publication in a newspaper as aforesaid, serve upon the prescribed persons a copy of the Order approving the scheme and a notice that a copy of any map or plan referred to in the Order or scheme may be inspected, and any necessary explanation or information in regard thereto may be obtained as above mentioned

(b) The local authority shall make suitable provision for affording any person inspecting the Order or scheme or any map or plan referred to therein within the said period any necessary explanation or information in regard thereto.

(c) The local authority shall within fourteen days after the receipt of the said Order transmit to the Board the certificate and exhibits required by Article XXIII. in proof of compliance with the requirements of paragraph (a) of this Article.

Form of Notice to prescribed persons forwarding copy of the Order of the Local Government Board approving a Town Planning scheme.

HOUSING, TOWN PLANNING, &c. ACT, 1909.

APPROVAL OF TOWN PLANNING SCHEME UNDER PART II.

URBAN DISTRICT OF

TOWN PLANNING SCHEME.

COUNCIL OFFICES,

19

SIR (OR MADAM),

Pursuant to Article XXI. of the Town Planning Procedure Regulations (Preparation of Schemes by Local Authorities) 1914, I beg to send you herewith a copy of the Order of the Local Government Board dated the , 19 , approving the above-mentioned scheme as modified by them.

The Order of the Board giving such approval together with a copy of the Map referred to in the said scheme may be inspected and any necessary explanation or information in regard thereto may be obtained without payment of any fee at the above-mentioned Office of the Council on any Saturday between the hours of 10 a.m. and 1 p.m., and on any other week-day between the hours of 10 a.m. and 5 p.m. during a period of three months from the day of , 19 .

I am, Sir (or Madam),

Your obedient Servant,

*Clerk to the Urban District Council of*

## THE CASE FOR TOWN PLANNING.

Form of Advertisement of Notice of approval by the Local Government Board of a  
Town Planning scheme.

HOUSING, TOWN PLANNING, &c. ACT, 1909.

APPROVAL OF TOWN PLANNING SCHEME UNDER PART II.

URBAN DISTRICT OF

TOWN PLANNING SCHEME.

NOTICE IS HEREBY GIVEN that the Local Government Board have approved the above scheme as modified by them.

The Order of the Board giving such approval, together with a copy of the Map referred to in the said scheme, may be inspected, and any necessary explanation or information in regard thereto may be obtained, without payment of any fee, at the Council Offices, , on any Saturday between the hours of 10 a.m. and 1 p.m., and on any other week-day between the hours of 10 a.m. and 5 p.m., during a period of three months from the day of , 19 .

Dated this day of , 19 .

*Clerk to the Urban District Council of*

Form of Certificate of Clerk to Local Authority of compliance with Article XXI.

HOUSING, TOWN PLANNING, &c. ACT, 1909.

URBAN DISTRICT OF

TOWN PLANNING SCHEME.

I, of  
in the County of , Clerk to the Urban District Council of ,  
do hereby certify as follows:—

1. Pursuant to Article XXI. of the Town Planning Procedure Regulations (Preparation of Scheme by Local Authorities) 1914, I served a notice of which a copy is hereunto annexed marked A9, of the approval by the Local Government Board of the above scheme, together with a copy of the Order therein referred to marked A10, upon the prescribed persons, a list of whom is set out in the Schedule hereto, within the meaning of Article XXVII. of the said Regulations, sending the same by post on the day of , 19 , addressed at the respective usual or last known place of abode of persons required to be served. In the case of Local Authorities addressed to the respective Clerks of such Local Authorities at the respective offices of such Clerks, and in the case of Corporate bodies and Companies addressed to the respective Secretaries of such Corporate bodies and Companies at the respective offices of such Secretaries. (*If any persons are abroad, &c., see Form on page 486.*)



2. I caused to be inserted in the issue of the            day of            , 19    ,  
of the            newspaper, being a newspaper circulating in  
the area of the said Urban District of            , an advertisement  
pursuant to the said Article XXI. and a copy of the said issue of the said  
newspaper is herennto annexed marked A11.
3. On the            day of            , 19    , I deposited the Order of the Local  
Government Board approving of the            Town  
Planning scheme at the Council Offices,            , aforesaid  
together with the Map referred to in the scheme contained in the Schedule to the  
said Order.

Dated this            day of            , 19    .

*Clerk to the Council.*

#### GENERAL.

ARTICLE XXII.—A notice required to be served in pursuance of these Regulations shall be served :—

- (a) by delivery of the same personally to the person required to be served,  
or, if such person is absent abroad or cannot be found, to his  
agent ; or
- (b) by leaving the same at the usual or last known place of abode of such  
person as aforesaid ; or
- (c) by post addressed to the usual or last known place of abode of such  
person ; or
- (d) in the case of a notice required to be served on a local authority or  
corporate body or company, by delivering the same to their  
clerk or secretary or leaving the same at his office with some  
person employed there, or by post addressed to such clerk or  
secretary at his office ;

Provided that if the owner of any land is not known to and after reasonable inquiry cannot be found by the local authority then the notice may be served by leaving it, addressed to the owner, with some occupier of the land, or, if there be not an occupier, then by causing it to be put up on some part of the land or in some conspicuous place or places in the immediate neighbourhood thereof :

Provided also that an accidental omission to serve a notice required under these Regulations shall not render any proceedings thereunder invalid.

ARTICLE XXIII.—Proofs of compliance with the requirements of Articles II., III., VIII., XI., XII., XVIII., and XXI. shall to the extent herein mentioned be furnished to the Board by certificates signed by the Clerk to the local authority

or other person competent to give such certificates. The certificates shall in each case specify the manner in which the notices required by those Articles to be served upon any person or body were served, and the names of the persons or bodies so served, and shall also certify that the other requirements of those Articles as to notices required to be given and as to the deposit of maps or plans or any documents required to be deposited have been duly complied with. There shall also be annexed to the certificates as exhibits :—

In regard to Articles II. and III.,—

- (1) a copy of each form of notice served, (2) a copy of the Map No. 1 deposited for inspection, and (3) a copy of each newspaper containing the advertisement.

In regard to Article VIII.,—

- (1) a copy of each newspaper containing the advertisement, and (2) a copy of the form of notice served under paragraph (b).

In regard to Articles XI. and XII.,—

- (1) a copy of each form of notice served, (2) a copy of each newspaper containing the advertisement, (3) a statement showing the several parcels of land in respect of which notice was served upon each owner, lessee and occupier, (4) a copy of the draft scheme prepared by the local authority and deposited for inspection, and (5) a copy of each map deposited for inspection.

In regard to Article XVIII.,—

- (1) a copy of the form of notice served, and (2) a copy of each newspaper containing the advertisement.

In regard to Article XXI.,—

- (1) a copy of the Order, (2) a copy of the form of notice served, and (3) a copy of the newspaper containing the advertisement.

ARTICLE XXIV.—(a) The maps required in pursuance of these Regulations shall be Ordnance Maps wherever such maps are published in respect of the district or area in relation to which the maps are required, shall be on a scale not less than that specified in each case, shall, subject to the proviso hereto, be mounted on linen and folded in book form unless the Board approve of some other arrangement, and shall have a scale properly drawn thereon: Provided that as regards Maps Nos. 1 and 2 the copy to be sent to the Board may, if the local authority think fit, be in sections consisting of the sheets of Ordnance Maps unmounted but bound together and prefaced by an index map on the scale of six inches to the mile showing in a connected form the area proposed for inclusion in a scheme.

(b) Any person interested in or affected by any scheme or proposed scheme shall be entitled to a copy of or extract from any map or plan required in pursuance of these Regulations, on payment of a reasonable fee to be determined by the local authority, and shall be entitled to inspect at all reasonable times any map or plan referred to in Article XXI. Any fees received by the local authority shall be carried to the credit of the fund liable to be charged with the expenses of the local authority in connection with the scheme.

ARTICLE XXV.—The local authority shall prepare and furnish to the Board all such maps, plans, sections, elevations and specifications, and all such particulars or information as the Board shall require to be prepared and furnished in connection with any scheme or proposed scheme at any stage of the proceedings in relation thereto.

ARTICLE XXVI.—Where the Board are satisfied that there is reasonable cause for dispensing, either conditionally or unconditionally, with compliance with any requirement of these Regulations, or for varying any such requirement, the Board may, by Order or otherwise as they may think fit, give the necessary dispensation, or may make and give effect to the necessary variation and to any incidents or consequences of that variation; and, in the case of any such dispensation when given subject to any condition, or in the case of any such variation, the local authority or other authorities or persons, as the case may be, shall comply in all respects with the condition or variation and with any requirement of the Order or other writing or direction of the Board giving the dispensation or making the variation as if the condition, variation or requirement formed part of these Regulations:

Provided that the Board shall not exercise their powers under this Article in such a manner as to dispense with any provisions of these Regulations which are necessary to give effect to the requirements of the Act of 1909 or as so to vary any such provisions that they would cease to give effect to those requirements.

ARTICLE XXVII.—In these Regulations:

“ The Act of 1909 ” means the Housing, Town Planning, &c. Act, 1909;

“ The Board ” means the Local Government Board;

The word “ Owner ” or “ Owners ” has the same meaning as in the Lands Clauses Acts;

The expression “ prescribed persons ” means,—

(a) the owners of the land included or proposed to be included in the scheme or proposed scheme;

(b) the council of any borough or of any urban or rural district within which any part of that land is comprised, and also, if any main road is or may be affected, the County Council;



(c) the Board of Agriculture and Fisheries if in the scheme or proposed scheme there is any provision for the acquisition or appropriation to any other purpose of any land forming part of any common, open space, or allotment within the meaning of Section 73 of the Act of 1909 ;

(d) the Commissioners of Works if any land included in the scheme or proposed scheme is situate within the distance prescribed by Regulations made by the Board under Section 74 of the Act of 1909 from any of the royal palaces or parks ;

(e) the Board of Trade and, in relation to light railways, the Light Railway Commissioners (so far as regards the notice to be given under Article II.), if any land is proposed to be included in the application on which tramways or light railways are constructed or are authorised to be constructed. The notice served in any such case should be endorsed with the name or other identification of the tramway or light railway in respect of which the notice is served.

ARTICLE XXVIII.—(1) Subject as herein-after provided the Regulations of 1910 are hereby revoked except so far as they apply to the adoption by a local authority of any scheme proposed by any owner or owners of land :

Provided that—

(a) Such revocation shall not affect or prejudice any proceedings that have been taken or are being taken under the Regulations of 1910 ;

(b) Any proceeding that has been commenced under any provisions of the Regulations of 1910 may be completed in accordance with those provisions, or may be continued in accordance with the provisions of the Regulations by this Order prescribed as the local authority may think fit ; and

(c) Any subsequent proceedings shall be taken in accordance with the provisions of the Regulations by this Order prescribed.

(2) If any doubt arises as to whether any particular proceeding shall be commenced or completed in accordance with the Regulations of 1910 or in accordance with the Regulations by this Order prescribed the matter may be determined by the Local Government Board whose decision shall be final and conclusive.

ARTICLE XXIX.—These Regulations may be cited as the Town Planning Procedure Regulations (Preparation of Schemes by Local Authorities), 1914.

## CHAPTER III.

## SCOTTISH PROCEDURE REGULATIONS

PRESCRIBED BY THE LOCAL GOVERNMENT BOARD FOR SCOTLAND FOR REGULATING GENERALLY THE PROCEDURE WITH RESPECT TO THE PREPARATION OR ADOPTION AND THE APPROVAL OF A TOWN PLANNING SCHEME, IN TERMS OF SECTIONS 54-56 OF THE HOUSING, TOWN PLANNING, &C., ACT, 1909.

## PART I.

PROCEDURE ANTERIOR TO, AND FOR THE PURPOSE OF,  
AN APPLICATION FOR AUTHORITY TO PREPARE OR  
ADOPT A SCHEME.PUBLIC NOTICES BY ADVERTISEMENT—MAP TO BE DEPOSITED SHOWING LAND  
PROPOSED TO BE INCLUDED IN SCHEME.

ARTICLE I.—(a) At least two months before making an application to the Local Government Board for Scotland (hereinafter referred to as “the Board”) for authority to prepare a Town Planning scheme, or for authority to adopt any such scheme proposed by all or any of the owners of any land with respect to which the Local Authority might themselves have been authorised to prepare a scheme, the Local Authority shall give notice of their intention to make such application by advertisement in some newspaper circulating in the area of the Local Authority. Such advertisement shall be repeated three times at intervals of not less than a week.

(b) The Local Authority shall, not later than the date on which the first of the said advertisements is published, deposit at a place convenient for the purposes of inspection a map of the land proposed to be included in the scheme. The said map shall be on the scale of not less than 25.344 inches to the mile, and shall be open for inspection by any person interested, without payment of any fee, at all reasonable hours until seven days before the application is forwarded to the Board. The Local Authority shall also make suitable provision for affording to any person inspecting the map any necessary explanation in regard thereto.

(c) The said advertisement shall describe the land proposed to be included in the scheme, and shall state the place at which the said map is deposited, and the period and times during which the same will be open for inspection.

## SPECIAL NOTICES.

ARTICLE II.—(a) *Special Notice to other Local Authorities interested.*—With the view of securing that notice of the proposal to apply for authority to prepare or adopt a scheme shall be given at the earliest stage possible to any other Local Authority interested in the land, the Local Authority, independently of the notice required to be given as aforesaid, shall, at least two months before making such application, serve special notice of their decision upon every other Local Authority interested.

(b) *Notices to Commissioners of Works in certain cases.*—The Local Authority shall also send notice of their intention to make such application to the Commissioners of Works if any land included in the proposed scheme is situate in the neighbourhood of any of the royal palaces or parks.

(c) *Notices to Board of Trade and to Light Railway Commissioners in certain cases* —Where any land is proposed to be included on which tramways or light railways are constructed, or are authorised to be constructed, the Local Authority shall also give notice to the Board of Trade and, as regards light railways, to the Light Railway Commissioners, of the intention of the Local Authority, to apply for authority to prepare or to adopt a scheme in regard to the said land, and shall from time to time thereafter furnish all such information as the Board of Trade or the Light Railway Commissioners may require in regard to the proposals so far as any tramways or light railways, or an authorised route of any tramways or light railways, may be affected.

#### CONSIDERATION OF OBJECTIONS.—CONFERENCES WITH PARTIES INTERESTED.

ARTICLE III.—(a) The Local Authority before making an application to the Board for authority to prepare or adopt a scheme shall consider any objections or representations made to them in writing in reference to the same, whether by owners or other persons interested (1) in the land proposed to be included in the scheme, or (2) in any lands in the neighbourhood of the said land which may be affected by the scheme.

(b) The Local Authority shall also consider any objections or representations made to them by any other Local Authority who may be interested in or affected by the scheme.

(c) The Local Authority shall further endeavour, by conferences between the Local Authority or their officers and such owners, persons, or Local Authorities, and by any other means available, to secure their co-operation in promoting the scheme. They shall also arrange for a meeting being held, at which all such parties as aforesaid shall be entitled to attend or be represented, for the purpose of considering the proposed scheme.

(d) Seven days' notice of this meeting shall be given by advertisement in some newspaper circulating in the area of the Local Authority, and a report or minute of such meeting shall be duly kept to be afterwards transmitted to the Board as required by Article V. (e).

#### APPLICATION TO THE BOARD.

ARTICLE IV.—(a) An application to the Board by a Local Authority for authority to prepare or adopt a scheme shall be made by transmitting to the Board a copy of the resolution of the Local Authority to make such application, which copy shall be certified by the Clerk.

(b) The resolution shall define, by reference to a map prepared to a scale of not less than 25.344 inches to the mile, the land in reference to which it is desired to prepare or adopt the scheme, and shall state whether the land is entirely within the area of the Local Authority, or wholly or partly within the area of any other Local Authority. The said map shall show clearly, by means of boundary lines sharply defined in colour, the area of the land included in the proposed scheme, distinguishing between the parts of the land included within the area of the Local Authority, and within the area of any other Local Authority. The map shall also show any piece of land already built upon, together with the positions of any buildings that have been erected on the land or of any buildings that are in course of erection. It shall further show any piece of land not likely to be used for building purposes. Such lands shall be indicated on the map by distinctive colours and any necessary reference notes.



(c) In addition to the above particulars, the said map shall also show the main features of the proposed scheme, including—

- (1) The existing roads and the lines of the proposed principal roads, as well as the lines of existing or proposed railways or tramways, drainage, pipes or mains for the supply of water, gas, or electricity ;
- (2) As far as possible there should be indicated on the map any provisions for certain areas being used for the purpose of open spaces, or for any other special purposes.

#### DOCUMENTS TO ACCOMPANY APPLICATION.

ARTICLE V.—The application to the Board shall be accompanied by the following documents and maps, all duly certified by the Clerk to the Local Authority, or other competent person, in proof of compliance with the requirements of these Regulations—

- (a) A copy of the form of notice served on Local Authorities.
- (b) A copy of each newspaper containing the advertisements prescribed in Articles I. and III.
- (c) The maps referred to in Articles I. and IV., or copies thereof.
- (d) A copy of all objections made in writing in reference to the proposed scheme, so far as the objections have not been withdrawn or removed, and a statement of what has been done by the Local Authority to meet or satisfy objections.
- (e) A copy of the report or minute recording the proceedings at the meeting held in terms of Article III. (c).
- (f) If the application relates to the adoption of a scheme proposed by owners, a copy of the scheme so proposed and a statement of any modifications which the Local Authority are of opinion should be made in the scheme.

#### INFORMATION TO BE FURNISHED IN CONNECTION WITH APPLICATIONS.

ARTICLE VI.—In connection with an application for authority to prepare or adopt a scheme, the Local Authority shall furnish the Board with a statement or statements giving the particulars and information hereinafter indicated :—

- (a) A short description of the scheme, including information as to the general character of the land proposed to be included in the scheme, the extent to which the scheme applies to land in course of development, the extent to which it applies to land likely to be used for building purposes, and, as regards the last-mentioned land, the grounds for considering that the land is likely to be so used.
- (b) The reasons on which the Local Authority rely in support of their application.
- (c) If the scheme includes land already built upon, or land not likely to be used for building purposes, the reasons which, in the opinion of the Local Authority, render it necessary or desirable to include such lands in the scheme.
- (d) Information as to the arrangements in operation in the area of the Local Authority in regard to sewerage, drainage, and sewage disposal, water supply, and lighting, and the like information in regard to the area of any other Local Authority in which any part of the land included in the scheme is comprised.
- (e) If the area of the land included in the scheme is not wholly within the area of the Local Authority making the application, information shall be supplied as to the proposals in regard to the authority who are to be responsible for enforcing the observance of the scheme.

- (f) Information as to (1) any monuments or ancient monuments, within the meaning of the Ancient Monuments Protection Acts, 1882 to 1900, or (2) any objects of historical interest or natural beauty situate within the area included in the scheme, and as to the manner in which they would be affected.
- (g) If any land or property of any Government Department would be affected by the scheme, particulars in regard to any such property and as to the Government Departments concerned.

ESTIMATE AS TO COST OF SCHEME—INFORMATION AS TO AREA, POPULATION, RATES, DEBT, &c.

ARTICLE VII.—(a) In connection with an application for authority to prepare or adopt a scheme, the Local Authority shall state as nearly as may be practicable the estimated cost of carrying out the scheme and how it is proposed that the cost is to be borne. The Local Authority shall also furnish the Board with such information as they may require as to the manner in which the estimated cost is arrived at.

(b) Subject to the proviso hereinafter contained, the Local Authority shall also furnish a statement showing the following particulars with respect to the district of the Local Authority, that is to say:—

- (i.) the acreage;
- (ii.) the population according to last census;
- (iii.) the rateable value for the public health rate on owners and occupiers respectively;
- (iv.) the amount in the £ of every rate levied during the three last preceding financial years;
- (v.) the amount of the balances of the outstanding loans contracted by the Local Authority, and the sum included in such amount in respect of loans for sanitary purposes; and
- (vi.) the amount of the loans sanctioned but not raised, though proposed to be raised, and the sum included in such amount in respect of loans for sanitary purposes:

Provided that if it is proposed that the cost of the scheme to be borne by the Local Authority shall be charged upon any parish or parishes or upon any special district or special districts comprised in their district, the particulars required under heads i., ii., iii., and iv. hereof shall be given with respect to such parish or parishes or such special district or special districts only.

ADVERTISEMENT OF APPLICATION.

ARTICLE VIII.—When the Local Authority have transmitted to the Board an application for the approval of the Board to the preparation or adoption of a scheme, the Local Authority shall forthwith give notice of such application, and of the date of the resolution making the application, by advertisement in some newspaper circulating in the area of the Local Authority.

PROVISION AS TO MAPS.

ARTICLE IX.—(a) The maps required in pursuance of these Regulations shall be Ordnance Maps wherever such maps are published in respect of the district or area in relation to which the maps are required, shall be to a scale of not less than that specified in each case, shall be mounted on linen, and shall have a scale properly drawn thereon.

(b) Any person interested in or affected by any proposed scheme shall be entitled to make a copy of or extract from any map or plan required in pursuance of these Regulations.



## BOARD MAY CONSENT TO DEPARTURES FROM REGULATIONS.

ARTICLE X.—Where the Board are satisfied that there is reasonable cause for dispensing, either conditionally or unconditionally, with compliance with any requirement of these Regulations, or for varying any such requirement, the Board may, by order or otherwise as they may think fit, give the necessary dispensation, or may make and give effect to the necessary variation.

## PART II.

## PROCEDURE (1) DURING, ON, AND AFTER THE PREPARATION OR ADOPTION AND BEFORE THE APPROVAL OF THE SCHEME, AND (2) AFTER THE APPROVAL OF THE SCHEME.

## DRAFT SCHEME TO BE PRINTED AND MAP PREPARED.

ARTICLE I.—*Where the Local Authority themselves prepare a Town Planning Scheme.*—After the Local Authority have fully considered and developed their proposals in regard to an area of land in respect of which they have been authorised by the Local Government Board for Scotland (hereinafter referred to as “the Board”) to prepare a Town Planning scheme, they shall cause to be printed a draft scheme embodying their proposals, and shall cause a map to be prepared on a scale of not less than 25.344 inches to the mile, showing clearly by means of boundary lines sharply defined in colour the area of the land included in the proposed scheme distinguishing between the parts of the land included within the area of the Local Authority and within the area of any other Local Authority, and also showing thereon all such particulars and details in relation to the proposed scheme as can conveniently be indicated thereon by the aid of reference letters or numbers, descriptive notes, distinguishing colours, or otherwise; and especially there shall be indicated and distinguished on the said map or maps:—

Existing roads and bridges;

Existing roads which the Local Authority propose shall be widened or improved;

Footways over which the public have a right of way;

Roads on which tramways or light railways (a) have been constructed, or (b) are authorised to be constructed;

Roads and bridges which the Local Authority propose shall be made as part of the scheme, indicating the widths thereof and any proposals as to the parts thereof to be appropriated or set apart for special purposes, and the connections of such roads with existing roads;

Roads or ways which it is proposed to stop up or divert;

Land already built upon;

Land not likely to be used for building purposes;

Land proposed to be allocated for use as open spaces (a) private, or (b) public;

Land to be used for any other purposes, indicating any restrictions proposed as to the number of buildings which may be erected on each acre, and the height and character of those buildings;

Land to be acquired by the Local Authority for any purpose;

Lines of any existing sewers or any existing pipes or mains for the supply of water, gas, or electricity;

Proposals as to lines of sewers or of pipes or mains for supply of water, gas, or electricity.



ARTICLE II.—*Where the Local Authority adopt a Town Planning Scheme, with or without modifications, proposed by Owners.*—After the Local Authority have fully considered the Town Planning scheme proposed by owners in respect of an area of land in regard to which the Local Authority have been authorised to adopt a scheme with or without modifications, and have decided to adopt the same with or without modifications, they shall cause to be printed a copy of the scheme proposed by owners, and shall prepare and cause to be printed a memorandum of all modifications which they propose should be made in such scheme, and shall obtain from the owners or shall themselves provide a map on a scale of not less than 25.344 inches to the mile, showing thereon all such particulars and details as are required to be shown on the map referred to in the preceding Article.

#### PUBLICATION AND SERVICE OF NOTICES.\*

ARTICLE III.—(a) At least one month before submitting the scheme to the Board for approval, whether in regard to a scheme prepared by the Local Authority or a scheme proposed by owners and proposed to be adopted by the Local Authority, the Local Authority shall serve a notice—

- (1) Upon the owners or reputed owners, lessees or reputed lessees, and occupiers of the land included in the scheme ;
- (2) Upon any other Local Authority within whose district any part of the said land is comprised, or who may be interested in, or affected by, the scheme ; and
- (3) If any main road is or may be affected by the scheme, upon the Local Authority responsible for the maintenance of the said road,—

intimating that authority having been given by the Board either to the preparation or adoption of a scheme by the Local Authority, it is now proposed to submit the same, with or without modifications, to the Board for approval.

(b) Similar notice of such proposal shall also be given by advertisement in some newspaper circulating in the area of the Local Authority, and the advertisement shall be published at least one month before submitting the scheme to the Board.

(c) The Local Authority shall, not later than the date on which the first of the said notices is given, deposit at such place as they may consider convenient for the purposes of inspection the draft scheme and the map referred to in Article I. of these Regulations or (as the case may be) the scheme and memorandum and the map referred to in Article II., and the same shall be open for inspection by any persons interested or affected, without payment of any fee, at all reasonable hours, until seven days before the date on which the notice states that the scheme is to be submitted to the Board.

(d) The said notices shall describe the land proposed to be included in the scheme, and shall state the place at which the documents and relative map referred to in paragraph (c) of this Article are deposited, and the period and times during which the same will be open for inspection.

(e) The notices shall further state that the Local Authority will be prepared to consider any objections or representations which may be made to them during the said period, and the notice to be given by advertisement shall also state that the Local Authority will be prepared to consider any objections or representations made to them during such period by any persons affected, including any persons representing any architectural or archaeological society or otherwise interested in the amenity of the proposed scheme.

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\* For procedure as to Notices and Special Notices in certain cases, *vide* Articles XIII. and XIV. post.

## CONSIDERATION OF OBJECTIONS—CONFERENCES WITH PARTIES INTERESTED.

ARTICLE IV.—(a) Before applying to the Board for their approval to a scheme prepared or adopted, the Local Authority shall consider any objections or representations made to them in terms of the immediately preceding Article.

(b) The Local Authority shall further endeavour, by conferences between the Local Authority or their officers and such owners, persons, or other Local Authorities, and by any other means available, to secure their co-operation in promoting the scheme. They shall also arrange for a meeting being held, at which all such parties as aforesaid shall be entitled to attend or be represented for the purpose of considering the proposed scheme.

(c) Seven days' notice of such meeting shall be given by advertisement in some newspaper circulating in the area of the Local Authority. A report or minute of such meeting shall be duly kept to be afterwards transmitted to the Board as required by Article VI. (g).

## APPLICATION TO BOARD FOR APPROVAL OF SCHEME.

ARTICLE V.—When the Local Authority have finally resolved to apply for the Board's approval to a Town Planning scheme they shall pass a resolution to that effect, requesting the Board's approval and detailing the scheme either made or adopted by them.

## DOCUMENTS TO ACCOMPANY APPLICATION.

ARTICLE VI.—The application to the Board shall be accompanied by the following documents and maps, all duly certified by the Clerk to the Local Authority or other competent person in proof of compliance with the requirements of these Regulations :—

- (a) A copy of the form of notice served under Article III.
- (b) A copy of each newspaper containing the advertisements prescribed in Articles III. and IV.
- (c) A copy of the resolution requesting the Board's approval to a Town Planning scheme.
- (d) A map on the scale of 6 inches to the mile, showing, by distinguishing colours or boundary lines in colour, the district of the Local Authority and the land included in the scheme :

Provided that, if the scheme is made or adopted by the Local Authority of a district other than a burgh, it shall not be obligatory that the map shall extend to the whole area of the said district, but it shall extend to the parish or parishes therein in which any part of the land included in the scheme is comprised :

There shall also be shown on the map by some distinctive colours and any necessary reference notes all recreation grounds or public open spaces and public schools in the land included in the scheme, and also the buildings which have been erected in that area up to the time when the map is sent to the Board, distinguishing the buildings begun to be erected after the application was made to the Board for their approval to prepare or adopt the scheme.

- (e) A map on the scale of not less than 25.344 inches to the mile prepared with special reference to the scheme containing all the particulars and details required by Article I. or II. as the case may be. On that map or on a separate map or plan of the same or larger scale shall be shown the area of the land included in the scheme so divided as to indicate as nearly as may be the portions of such land belonging to different owners. The map or plan shall show as regards each portion of the land the name of the owner, or shall bear numbers having reference to a statement on or to be annexed to the map or plan, showing the names of the owners.



- (f) A copy of all objections made in writing in reference to the scheme so far as the objections have not been withdrawn or removed in the scheme as finally prepared or adopted by the Local Authority.
- (g) A copy of the report or minute recording the proceedings at the meeting held in terms of Article IV.

#### INFORMATION TO BE FURNISHED IN CONNECTION WITH APPLICATION.

ARTICLE VII.—The Local Authority shall furnish the Board with a statement giving in regard to the scheme prepared or adopted the particulars and information indicated in Article VI. of Part I. of these Regulations so far as such particulars and information have not already been furnished to the Board.

ARTICLE VIII.—The Local Authority shall also furnish the Board with an additional statement giving the particulars and information indicated below so far as they are not contained in the scheme— :

- (a) Information to show whether the scheme admits of satisfactory provision being made in regard to the supply of water, gas, or electricity within the area included in the scheme.
- (b) Information in regard to any tramways or light railways constructed or authorised to be constructed in the area included in the scheme or in the immediate neighbourhood thereof.
- (c) In regard to any lands proposed to be acquired by (a) the Local Authority submitting the scheme, or (b) any other Local Authority, any information available as to the probability of the lands being acquired by agreement.
- (d) Particulars in regard to any land included in the scheme which belongs to (a) the Local Authority submitting the scheme, or (b) any other Local Authority ; the purposes for which and the authority under which such land was acquired or is held ; and also information as to any proposal in regard to its use for any other purposes under the scheme.
- (e) If in the opinion of the Local Authority, any property will be increased in value by the making of the proposed scheme, information as to such property, and as to the estimated increase in value.
- (f) If the Local Authority are of opinion that any property will, by the making of the scheme, be injuriously affected, within the meaning of the Act, information, so far as it is practicable to give the same, in regard to such property and as to the extent to which the Local Authority consider that it may be injuriously affected, and particulars of any information in the possession of the Local Authority in regard to the probability of any person making a claim for compensation on that ground.
- (g) In the case of an adopted scheme definite information as to whether any of the owners by whom the scheme is proposed will, in the event of the scheme being adopted by the Local Authority and approved by the Board, claim compensation on the ground that his property would be injuriously affected by the making of the scheme.
- (h) Detailed particulars of any works which are to be executed under the scheme by any person or Local Authority, so far as any such particulars are available.
- (i) If the scheme contains provisions suspending any enactment contained in a public general or other Act, or any statutory byelaws or regulations, a full explanation of any such provisions and the reasons which are considered to justify their insertion.



- (j) Particulars of any land forming part of any open space, within the meaning of Section 73 of the Act, which is included in the scheme, and of any part of that land which under the scheme is authorised to be acquired or appropriated to any other purpose, and particulars in regard to any land proposed to be given in exchange for the land so to be acquired or appropriated.
- (k) Particulars of any land included in the scheme which is situate in the neighbourhood of any of the royal palaces or parks.

ARTICLE IX.—*Finance, &c.*—(a) In connection with an application to the Board for their approval of the scheme prepared or adopted by the Local Authority, information shall be furnished in regard to the estimated cost of carrying out the scheme, so far as the cost is to be borne by (1) the Local Authority making the application, and (2) any other Local Authority. Separate particulars shall be given under the following heads :—

#### EXPENDITURE.

- Purchase of land for open spaces.
- Purchase of land for other purposes, specifying them.
- Purchase of buildings.
- Demolition or alteration of buildings.
- Compensation in respect of property injuriously affected by the scheme.
- Making or alteration of roads or ways.
- Sewerage or drainage.
- Cost of preparing the scheme.
- Other purposes, specifying them.

#### RECEIPTS.

- In respect of property increased in value.
- From other sources, specifying them.

(b) If the statement of particulars furnished under Article VII. (b) of Part I. of these Regulations has owing to lapse of time or other circumstances become inaccurate in any material respect, an amended statement of such particulars shall be supplied.

(c) There shall also be supplied a list and a copy of all local Acts, Provisional Orders, bye-laws, or regulations, so far as affecting the scheme, in force in the area of any Local Authority, any part of whose district is included in the scheme ; and in the case of any part of a district other than that of the Local Authority making the application to the Board being so included, such list and copy shall be supplied by the Local Authority of that district to the Local Authority making the application, who shall transmit them to the Board.

#### PUBLIC NOTICE OF SUBMISSION OF SCHEME—PROVISION AS TO OBJECTIONS.

ARTICLE X.—When the Local Authority have submitted to the Board for their approval the scheme prepared or adopted by the Local Authority, they shall forthwith give notice of such submission by advertisement in some newspaper circulating in the area of the Local Authority. The notice shall also state that any objections and representations by any Local Authority, or persons affected in terms of Article III., should be made in writing and addressed to the Board, at their Office, within one month from the date of the said notice. A copy of each newspaper containing such advertisement shall be forwarded to the Board by the Local Authority.

## PROVISION AS TO OBJECTIONS WHERE SCHEME MODIFIED BY BOARD.

ARTICLE XI.—If the Board propose to make any modifications in, or to attach any conditions to, the scheme they shall transmit to the Local Authority a draft Order incorporating in the scheme such modifications and conditions, and shall call upon the Local Authority to furnish them, within a period of one month from the receipt of the draft Order, with any objections or representations which they may desire to make in regard to the proposed modifications and conditions.

## PROCEDURE AFTER THE APPROVAL OF THE SCHEME.

ARTICLE XII.—(a) The Local Authority, on receipt of a copy of the Order of the Board approving a scheme, shall without delay publish notice of the approval of the scheme by advertisement in some newspaper circulating in the area of the Local Authority. The notice shall state that the scheme has been approved, with or without modifications or conditions as the case may be, and that the Order of the Board giving the approval and a copy of any map or plan referred to in the Order or scheme may be inspected, and any necessary explanation or information in regard thereto may be obtained without payment of any fee at a place which shall be specified in the notice at all reasonable hours (specifying the same) on any week-day during the period of three months after the date of the Order. They shall also, not earlier than the second day after the publication in a newspaper as aforesaid, serve (1) upon the owners or reputed owners, lessees or reputed lessees, and occupiers of the land included in the scheme ; (2) upon any other Local Authority within whose district any part of the said land is comprised, or who may be interested in or affected, by the scheme ; and also (3) if any main road is or may be affected by the scheme upon the Local Authority responsible for the maintenance of the said road, a copy of the Order approving the scheme and a notice that a copy of any map or plan referred to in the Order or scheme may be inspected, and any necessary explanation or information in regard thereto may be obtained as above mentioned.

(b) The Local Authority shall make suitable provision for affording any person inspecting the Order or scheme, or any map or plan referred to therein within the said period, any necessary explanation or information in regard thereto.

(c) The Local Authority shall, within fourteen days after the receipt of the said Order transmit to the Board—

- (1) A copy of the Order,
- (2) A copy of the form of notice served, and
- (3) A copy of each newspaper containing the advertisement.

## GENERAL INSTRUCTIONS AND REGULATIONS.

## PROCEDURE AS TO THE SERVICE OF NOTICES.

ARTICLE XIII.—A notice required to be served in pursuance of these Regulations shall be served :—

- (a) By delivery of the same personally to the person required to be served, or, if such person is absent abroad or cannot be found, to his agent ; or
- (b) By leaving the same at the usual or last known place of abode of such person as aforesaid ; or
- (c) By post addressed to the usual or last known place of abode of such person ; or

- (d) In the case of a notice required to be served on a Local Authority or corporate body or company, by delivering the same to their clerk or secretary, or leaving the same at his office with some person employed there, or by post addressed to such clerk or secretary at his office ;

Provided that if the owner of any land is not known to and after diligent inquiry cannot be found by the Local Authority, then the notice may be served by leaving it, addressed to the owner, with some occupier of the land, or, if there be not an occupier, then by causing it to be put up on some conspicuous part of the land :

Provided also that a notice required to be given to an occupier may be addressed by the description of the " occupier " of the land or premises (describing it or them) in respect of which the notice is given, without further name or description.

#### SPECIAL NOTICES.

ARTICLE XIV.—*Special Notices to Commissioners of Works, Board of Trade, and Light Railway Commissioners in certain cases.*—Wherever in these Regulations any notice or Order is required to be served by the Local Authority upon any owner of land, the Local Authority shall send a like notice or Order to the Commissioners of Works if any land included in the scheme or proposed scheme is situate in the neighbourhood of any of the royal palaces or parks, and to the Board of Trade or the Light Railway Commissioners if any land is proposed to be included on which tramways or light railways are constructed or are authorised to be constructed.

#### PROVISIONS AS TO MAPS.

ARTICLE XV.—(a) The maps required in pursuance of these Regulations shall be Ordnance Maps wherever such maps are published in respect of the district or area in relation to which the maps are required, shall be on a scale not less than that specified in each case, shall be mounted on linen, and shall have a scale properly drawn thereon.

(b) Any person interested in or affected by any proposed scheme shall be entitled to make a copy of or extract from any map or plan required in pursuance of these Regulations.

#### BOARD MAY CONSENT TO DEPARTURES FROM REGULATIONS.

ARTICLE XVI.—Where the Board are satisfied that there is reasonable cause for dispensing, either conditionally or unconditionally, with compliance with any requirement of these Regulations, or for varying any such requirement, the Board may, by order or otherwise as they may think fit, give the necessary dispensation, or may make and give effect to the necessary variation.

#### SHORT TITLE.

ARTICLE XVII.—These Regulations may be cited as the Town Planning Procedure Regulations (Scotland), 1911.

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Given under the Seal of Office of the Local Government Board of Scotland, this twentieth day of June, in the year One Thousand nine hundred and eleven.

GEORGE McCRAE,

*Vice-President.*

A. MURRAY,  
*Secretary.*





## CHAPTER IV.

### COPY OF RULES ISSUED BY THE LOCAL GOVERNMENT BOARD WITH REFERENCE TO THE COST OF ARBITRATIONS IN THE CASE OF COMPULSORY PURCHASE OF LAND FOR HOUSING AND TOWN PLANNING PURPOSES.

“**W**HEREAS by paragraph (9) of the First Schedule to the Housing, Town Planning, &c. Act, 1909 (hereinafter referred to as ‘the Act’), it is provided that We, the Local Government Board, may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on an arbitration under the said schedule, and an arbitrator under that schedule may notwithstanding anything in the Land Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily and any other costs which he considers to have been caused or incurred unnecessarily :

“Now therefore, We, with the concurrence of the Lord Chancellor, for the purpose of fixing the scale of costs to be applicable on an arbitration under the First Schedule to the Act, do hereby make the following Rules, that is to say :—

“**RULE 1.**—Where the compensation awarded by the arbitrator to the claimant does not exceed the sum specified in the first column of the Scale No. 1 set forth in the Schedule hereto, the sum payable to the claimant for his costs of the arbitration shall be the sum specified in the second column of such scale, which sum shall include and cover all disbursements, except for the attendances of witnesses, for which attendances the sums specified in the third column of such scale shall be allowed. No charge for briefs to, or attendance of, counsel shall be allowed.

“**RULE 2.**—Where the compensation awarded by the arbitrator exceeds the sum of three hundred pounds, but does not exceed the sum of five hundred pounds, the costs and charges of the claimant in the arbitration shall be allowed, and (if necessary) taxed or determined, in accordance with the provisions of the Scale No. 2 set forth in the Schedule hereto, and no costs or charges other than those specified in such scale, or in accordance therewith, shall be allowed.

"RULE 3.—Where the compensation awarded by the arbitrator exceeds the sum of five hundred pounds, the costs and charges of the claimant in the arbitration shall be allowed, and (if necessary) taxed or determined, in accordance with the provisions of the Scale No. 3 set forth in the Schedule hereto, and no costs or charges other than those specified in such scale, or in accordance therewith, shall be allowed.

"RULE 4.—So much of the First Schedule to the Arbitration Act, 1889, as provides that the arbitrator may award costs to be paid as between solicitor and client, shall not apply to an arbitration to which these Rules apply. In any case in which the arbitrator determines the amount of costs to be paid to the claimant in the arbitration, these Rules shall apply to and govern such determination of costs by the arbitrator.

"RULE 5.—These Rules shall not apply to an arbitration in which an arbitrator has been appointed before the Rules come into operation.

"RULE 6.—Nothing in these Rules shall authorise an arbitrator to hear counsel or expert witnesses, except in such cases as the Local Government Board direct, and if counsel or expert witnesses are heard by an arbitrator without such direction, no costs shall be allowed in respect thereof.

"RULE 7.—(1) If, having regard to the nature or importance of the case, the interests of the parties, the general conduct of the proceedings, and the skill, labour, and responsibility involved, the taxing officer shall on special grounds consider to be inadequate the costs or allowances provided by any of the scales set forth in the Schedule thereto, he may make such further or increased allowances as he shall in his discretion consider reasonable.

"(2) The taxing officer may in any case where the owner or claimant is not represented by a solicitor on the arbitration make such allowance as he may consider reasonable towards the charges or expenses incurred by the owner or claimant in connection with the arbitration, but not exceeding in the aggregate the maximum amount which could otherwise have been allowed under the scale set forth in the Schedule hereto which is applicable to the case.

"RULE 8.—These Rules and the scales of costs set forth in the Schedule hereto shall not apply to the fees or remuneration properly payable to or charged by the arbitrator, which fees, if and when paid by the claimant, shall be recoverable by him from the party who is liable to pay the same.

"RULE 9.—In these Rules :—

"(1) 'The arbitrator' means an arbitrator appointed under the First Schedule to the Act.

"(2) 'Taxing officer' includes the arbitrator when costs are determined by him.

"RULE 10.—These Rules shall come into operation on the Ninth day of September, 1912, and may be cited as the Housing, &c. (Costs of Arbitration) Rules, 1912."



SCHEDULE.

SCALE No. 1.

Scale of fixed costs where the compensation awarded does not exceed £300 :—

Compensation awarded. 1.	Amount of Costs other than for Witnesses.			Costs of attendance of Witnesses.		
	2.			3.		
	£	s.	d.	£	s.	d.
Any sum not exceeding fifty pounds .. .. .	3	3	0	2	2	0
Any sum exceeding fifty pounds, but not exceeding one hundred pounds .. .. .	5	5	0	3	3	0
Any sum exceeding one hundred pounds, but not exceeding three hundred pounds :—						
For every fifty pounds or part of fifty pounds exceeding one hundred pounds the following sums in addition to those prescribed for compensation which exceeds fifty pounds	2	2	0	1	1	0

SCALE No. 2.

Costs where the compensation awarded exceeds £300, but does not exceed £500 :—

(a) The amount payable to the claimant for the costs of the arbitration shall be the sum of £20, which sum shall include all charges and disbursements of every kind, except those hereinafter specially mentioned.

\* (b) In addition to the said sum of £20, there shall be allowed to the claimant the charges and expenses of one expert witness for qualifying and giving evidence as to the value of the claimant's lands, or interest in land, or the amount of compensation to which the claimant is entitled : which charges and expenses shall be taxed and allowed in accordance with the provisions of Scale No. 3, hereinafter set forth.

\* (c) If counsel is employed by the claimant, there shall be allowed to him, in addition, for preparing and delivering briefs to and obtaining the attendance of counsel, such fees as having regard to all the circumstances of the case, the taxing officer shall think fit.

SCALE No. 3.

Scale of costs and allowances where the compensation exceeds £500 :—

	£	s.	d.
1. Instructions for claim and attendances on owner or claimant in respect thereof	1	1	0
2. Correspondence and attendance on the Clerk to the Council or Council's solicitor thereon, including drawing and copy claim .. .. .	1	1	0
* 3. Attending on each witness (of two witnesses) instructing him to qualify and subsequently perusing his report, or if the arbitrator is a surveyor on one witness only .. .. .	0	13	4
4. Attending on the arbitrator and on the Clerk to the Council or Council's solicitor arranging appointment for the day of hearing .. .. .	0	13	4
5. Notice to each witness to attend .. .. .	0	5	0
6. If a view is reasonably necessary attendances on the arbitrator and the Clerk to the Council or Council's solicitor arranging for view .. .. .	0	13	4
7. Attending view with them .. .. .	3	3	0
8. Paid travelling expenses .. .. .			

	£	s.	d.
*9. If counsel employed, instructions to counsel to attend view .. ..	0	6	8
*10. Paid his fee and clerk .. ..	5	10	0
11. Instructions for attending before the arbitrator and to conduct the claimant's case .. ..	2	2	0
*12. If counsel employed in lieu of last item instructions for brief .. ..	2	2	0
*13. Drawing case and minutes of evidence, at per folio, 1s. ; and if counsel attending, brief copy for counsel at per folio, 4d. .. ..			
*14. Paid counsel's fee .. ..			
*15. Attending him .. ..	0	6	8
*16. Paid counsel's conference fee .. ..	1	6	0
Ditto ditto (if a leader) .. ..	2	7	0
*17. Attending to appoint and on conference .. ..	1	0	0
18. Solicitor attending reference and conducting case, case completed on each side (solicitor and clerk) .. ..	5	5	0
19. If reference not held in town in which the solicitor carries on business, for hotel expenses of solicitor .. ..	1	1	0
Ditto ditto of clerk .. ..	0	15	0
(And for travelling expenses the sum actually paid.)			
20. If reference not concluded, for each subsequent day the same charges .. ..			
*21. If counsel in attendance, solicitor attending each day on reference .. ..	3	3	0
22. And if not in solicitor's town, for hotel expenses (and travelling expenses actually paid) .. ..	1	1	0
*23. Paid witnesses (according to the Scale or allowances in the Supreme Court Taxing Office) .. ..			
24. Drawing bill of costs and copy for taxing, at per folio, 8d. .. ..			
25. Copy for the Clerk to the Council or Council's solicitor, at per folio, 4d. .. ..			
26. Notice of taxing .. ..	0	4	0
27. Attending taxing .. ..	0	13	4
28. Paid taxing (the fee payable in the Supreme Court Taxing Office on taxing costs)			
29. Letters and messengers .. ..	1	1	0
30. In agency cases for correspondence between solicitor and London agent .. ..	1	1	0

\*See Rule 6 as to employment of counsel and expert witnesses.

Given under the Seal of Office of the Local Government Board, this Fifth day of September, in the year One thousand nine hundred and twelve.

JOHN BURNS,  
*President.*

H. C. MONRO,  
*Secretary.*

I concur,  
HALDANE, C.

## CHAPTER V.

## THE RUISLIP-NORTHWOOD TOWN PLANNING SCHEME.

**SPECIAL NOTE :**

*In this chapter the text of the Scheme is given in full with annotations. The text is however preceded by some descriptive particulars, and it is hoped that these will be of service in making clear the general character of the problem which presented itself for solution in the preparation of the details of the Scheme. The annotations to the Scheme are given in small type following each Clause.*

**Descriptive Particulars.****LOCALITY.**

The Urban District of Ruislip-Northwood is in the north-west corner of the County of Middlesex and is co-terminous with the ancient civil parish of Ruislip and contains three separate centres, viz., Ruislip, Northwood and Eastcote. Except for these centres of population, the area is chiefly agricultural, but being only about 14 miles from London, the whole of the area is potential building land, and has been largely developed as such during the last twenty years.

**STATISTICS.**

The District contains 6,585 acres ; the population at the last census (1911) was 6,217, and is now (1915) estimated at 7,500. The rateable value is £66,550, a 1d. rate producing £240.

**TRAFFIC FACILITIES.**

There are five stations within the area on three lines of railway communicating with London. There are no county main roads and only one subsidised main road, i.e., that leading from Pinner to Rickmansworth. Road communication within the District is particularly deficient and long détours have to be made between one part and another.



### SOIL AND CHARACTER.

The sub-soil generally is London clay with partial outcrops of sand and gravel. The altitudes vary from 109 feet to 365 feet above sea level with a general fall from north to south. The southern part of the area is flat, but from the centre northwards a valley runs through the middle with sloping woods and fields on either side.

### BUILDING DEVELOPMENT.

There is no industrial area ; the district is virtually residential, consisting of houses with rateable values of from £30 to £250, but there are a number of cottages and smaller houses especially at Northwood, where also are the largest houses.

### AREA OF THE SCHEME.

Having regard to the conditions of the District, it can be said that hardly any other place offers greater needs, better opportunities or more lasting advantages from a Town Planning Scheme.

In determining the area of the Scheme, such parts of the District as were practically developed were omitted, whereas a portion of the neighbouring District which adjoins some of the best residential portions of Northwood was included. The area of land in the scheme is 5,750 acres, of which 5,690 acres are in the Ruislip-Northwood District and 60 acres in the Watford Rural District which is in the adjoining County of Hertford.

### OWNERS OF LAND.

Application for authority to prepare the Scheme was made on the 16th January, 1911, and this date will always remain of importance, in the first place because, under the Act, no one is entitled to obtain compensation on account of anything done subsequent to this date which contravenes the Scheme, and in the second place because in determining the "land unit" which regulates the number of buildings which may be erected on a given area it is the ownership at this date which forms the basis of calculation (see clause 49).

There were at this date 210 freeholders beside lessees and occupiers.\*

### STAGES OF THE SCHEME.

Preparatory to settling anything in regard to the Scheme, each member of the Town Planning Committee of the District Council was provided with a 6-in. scale ordnance map of the District so that he could consider any special features and be prepared to advise as to the area to be included and the preliminary details of the Scheme. Some of the largest landowners were also communicated with and their opinions obtained as to the requirements of the District. The area of the Scheme was then settled and shown upon MAP No. 1, but no details were shown.

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\* Notice of approval of the Scheme was actually served upon 342 "prescribed persons."

At the statutory conference of Owners, the scope of the Act was explained and though no details of the Scheme were given, general support was assured.

MAP No. 2\* was then prepared for the purpose of making the application to the Local Government Board for authority to prepare a Scheme and the only addition to the information given on Map No. 1 was that two important roads of communication were suggested. This map is not however a deposited map, but is merely provided for the information of the Board.

MAP No. 3\* showing the position of the area in relation to surrounding districts was also prepared and submitted to the Board.

An enquiry was held by the Local Government Board, at which objections were taken by several landowners and especially by the adjoining local authorities, to land belonging to them or under their control being included, but a *prima facie* case was made out for the whole area scheduled with the exception of three small fields on the extreme western boundary of the Urban District. On the other hand the inclusion of land in an adjoining District was confirmed.

The next stage was long and important, nearly all owners of land being consulted, and in some cases definite agreements were entered into, while in the meantime the details of the scheme were worked out on MAP No. 4 which was in due course, with the DRAFT SCHEME, approved and deposited.

The second statutory meeting of Owners was held, at which a certain number of definite objections were formulated; other general objections to land being included in the Scheme were advanced, which at this stage, of course, could not avail. The Draft Scheme and map subsequently underwent the closest reconsideration, alterations in both being made in the light of the experience already gained and the various criticisms and objections which had been raised. Numerous private conferences with Owners were held and as a result of negotiation, clauses were altered or added in some cases whilst in others, formal agreements were entered into and scheduled as part of the Scheme (see clause 73). At this stage, as indeed throughout, the Council received and obtained invaluable assistance and co-operation from the advisers of King's College, Cambridge, who are owners of land comprising about one-fifth of the whole area of the scheme. The same can be said of the representatives of the National Housing and Town Planning Council, especially the Chairman, the late Alderman W. Thompson, who had the wonderful gift of inspiring all with whom he came in contact with an enthusiasm for the subject, of which he had made himself master and a leader. It must also be recorded that sympathetic and patient advice was freely and continuously placed at the disposal of the Council by the advisers of the Local Government Board.

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\* NOTE.—Under the amended Procedure Regulations (February 14th, 1914), some of these Maps are now dispensed with.



The variations in detail were so considerable that an entirely new map had to be prepared and this MAP No. 5 and the SCHEME having been sealed, application for approval of the Scheme was then made to the Local Government Board. Amongst other particulars supplied was a 6-in. scale MAP No. 6 (not now required), somewhat similar to Map No. 3 and a 25-in. scale MAP No. 7 showing the land included in the scheme and coloured according to the different ownerships. This latter map was prepared at quite an early date and was found of the greatest use in reconciling the interests of the different owners in regard to various proposals in the Scheme. An enquiry upon the application for approval was held by the Local Government Board lasting the greater part of four days, when every objector had the fullest opportunity of urging his views and the Council took advantage of being able then and there to clear up some misunderstandings and to come to terms on various outstanding points. The Scheme was modified in many particulars by the Board and submitted to the Council for further consideration and finally the DRAFT ORDER approving the Scheme, as modified, was deposited, all objections except from one Owner having been met or withdrawn. Owing to this one objection and to the Scheme containing a provision that for certain purposes parts of the Highway Act 1835 (being a Public General Act) are suspended, it was necessary that a draft of the Scheme be laid before each House of Parliament for a period of 40 days. It seemed possible at one time that owing to the action of one dissatisfied Owner, the whole Scheme might be in jeopardy, but a compromise in regard to the difference was at the last moment arrived at, and the SCHEME emerged from Parliament unscathed, and was then, with the map, sealed by the Local Government Board.

#### DIARY OF PROCEDURE.

The following dates of the stages above described may be of interest, but they should not be considered in any way as typical of the time generally required for the various stages of a Scheme.

Housing, Town Planning, &c. Act, 1909, passed	3rd December, 1909.
Procedure regulations issued by Local Government Board (since modified 12th February, 1914)	3rd May, 1910.
Housing and Town Planning Committee set up ..	6th June, 1910.
Council passed first resolution and deposited Map No. 1 .. .. .	8th August, 1910.
First statutory meeting with Owners held ..	30th November, 1910.
Resolution applying for authority to prepare Scheme passed and Map No. 2 submitted ..	16th January, 1911.
Local Government Board enquiry upon application held .. .. .	16th February, 1911.



Authority given to prepare Scheme .. ..	20th March, 1911.
Draft Scheme and Map No. 4 approved and deposited .. .. .	8th July, 1912.
Second statutory meeting with Owners held ..	26th July, 1912.
Scheme and Map No. 5 sealed .. ..	17th February, 1913.
Local Government Board enquiry upon Scheme held .. .. .	17th, 18th April and 1st and 2nd May, 1913.
Scheme as modified by Local Government Board submitted to Council .. ..	14th March, 1914.
Draft Order of Local Government Board approving the Scheme as modified deposited ..	2nd June, 1914.
Scheme submitted to Parliament .. ..	30th June, 1914.
Scheme approved by Local Government Board	7th September, 1914.

## COST OF SCHEME.

It may also be of interest to ratepayers and to local authorities to know that the total cost of preparing the Scheme was £697 14s. 10d. This is made up of the following, viz. :—

	£	s.	d.
Ordnance Maps .. .. .	82	2	8
Drawing Materials and Stationery .. ..	42	3	7
Printing Schemes (other than the Approved Scheme)	45	19	0
Notices .. .. .	30	19	2
Referencing .. .. .	45	16	7
Advertisements .. .. .	19	0	11
Inquiries .. .. .	64	15	5
Consulting Engineer .. .. .	21	7	6
Extra remuneration to Officers and Assistants ..	260	18	6
Legal Charges for Agreements .. ..	90	15	2
Postages and Sundries .. .. .	51	12	1
	<hr/>		
	£755	10	7

From which should be deducted the amount received from Sale of Scheme (before approval), maps and tracings .. .. .	57	15	9
	<hr/>		

Making a total net cost of .. .. £697 14 10

Nothing is included in the above figures for copies of the approved Scheme and Map, as it is anticipated that the sale of these will more than meet the cost.\* The expenditure was spread over four financial years, and was met out of current rate, but there is no reason why a short term loan could not be obtained, if this were thought advisable in other cases. It should be remembered that what a Scheme costs is not the sole or even chief consideration ; what is more important is what a Scheme saves in the future.

It would serve no useful purpose to attempt to estimate the eventual cost to the ratepayers of carrying out the Scheme, as the amount would in any case be spread over a very considerable period. The principal liability of the Council is in respect of the construction of certain roads in certain eventualities, but in every case in exchange for definite and tangible benefits obtained.

#### PRINCIPAL FEATURES OF SCHEME.—ROADS.

One of the first considerations is naturally what, if any, improvements are desirable in the means of communication (*a*) with neighbouring towns or districts and (*b*) within the area itself. The general scheme of trunk roads prepared by the Traffic Branch of the Board of Trade includes a 100 feet road known as the " Western Avenue," which would, if constructed, cut across a portion of the southernmost corner of the District. As however, the length of the road within the District would be useless by itself, leading from and to nowhere, and as no guarantee could be obtained from the Traffic Branch or the Road Board that the scheme for the road would ever be carried out, or that any assistance would be given to the Council if they included this portion in their scheme, action in regard to it seemed useless. This affords a practical illustration of the paramount necessity of settling in advance, and as soon as possible, comprehensive road schemes throughout the country, so that Town Planning Schemes may be used to aid and not to impede the ultimate carrying out of satisfactory additional means of through communication and the construction of arterial roads.

Through communication within the District from North to South and from East to West has hitherto been inadequate. The more important roads projected are Nos. 14, 4, 19, and 17.† No. 14 passes through the centre of the District and joins the principal existing road at Northwood at the Northern end and the road to South Harrow at the Southern end. The portion at the Northern end which is marked 14a is on land at present forming part of the Northwood golf links, and there is a special clause in the Scheme (21 (*b*)) that the road is not to be made so

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\* Copies of the Scheme (price 1s.) and reduced copies of the Map (price 5s.) can be purchased on application to the Clerk to the Ruislip-Northwood Urban District Council, Council Offices, Northwood.

† The numbers referred to are those on the Map forming part of the Scheme.

long as the land in question is used as part of the golf course. If roads can be said to form the bones of a scheme, this road then is the backbone. No. 4 links up the other end of Northwood with Ruislip and provides a more direct route from all northern parts of the District to Uxbridge. No. 17 is a branch road from the principal new road No. 14, leading direct to the village of Ruislip and centred on the Tower of the Church. No. 19 is an important cross road, which it is hoped may one day work in as part of a ring road joining Uxbridge and Barking, other lengths of which already exist or are projected. It will, in any case, besides affording means of communication across the District itself, give direct access between the Edgware and Oxford Roads. No. 19 is a spur road joining the new road No. 14 to the London Road, through Ealing, which will in turn connect with the new "Western Avenue," if and when the scheme of arterial roads prepared by the Traffic Branch of the Board of Trade matures. Nos. 14 and 19 are laid out as 60 ft. wide, No. 17 as 50 ft. and No. 4 as 40 ft.

Nearly all the roads shewn on the map have been definitely agreed to by the various Owners over whose land they are shewn to pass, and many of the less important roads have been included at the request of the Owners. Except in cases such as the latter, the general principle has been only to shew on the map such roads as the Council consider are essential, leaving the framework thus formed to be filled in later as development takes place.

It may here be stated generally that there is no obligation upon any person to construct roads at any particular time or indeed at all, but the land is definitely earmarked for certain roads, and as under certain conditions the Council has the option (see clause 16) to construct them, nothing can be done which will increase the difficulty of or prevent the making of such roads in the future.

## BUILDING LINES.

Closely bound up with the subject of roads is that of building lines. In regard to existing roads, reference must be made to the map, whereon are marked the building lines on all the principal roads, varying from 7 ft. at the least to 50 ft. at the most. In all other cases it is provided that there shall be at least 60 ft. between buildings, *i.e.*, 30 ft. from the centre of the road. In order to permit elasticity, there are numerous provisions as to projections in front of the building lines, which cannot be stated generally, and must be carefully studied by those interested (clauses 38—44). The fixing of building lines at ample distance back to allow road widening, might of itself be almost sufficient to settle the future problem of arterial roads, and it is important to remember that under the Act, if the Local Government Board consider the building lines reasonable, property shall not be deemed to be injuriously affected by the Scheme and claims for compensation are therefore shut out. Such is the case in this Scheme.



## OPEN SPACES.

The only public open space in the District which has hitherto existed is what is known as the "Gravel Pits" at Northwood, containing about 14 acres. A public Recreation Ground, land for Allotments and Cemetery, and a large open space all adjoining and lying between the Railway and the Reservoir have been purchased at Northwood in connection with the Scheme. Together with the Reservoir itself and the "Poors Field," which is permanently secured as a private open space, there will thus be, for all time, a considerable tract of open land stretching through the middle of the District. The open space at Haste Hill is a landmark from many parts of the District and provision has been made in the Scheme to control to a certain extent the erection of buildings which might disfigure the skyline on the ridge of the Hill. By arrangement with the landowners, a large public open space has also been secured, which will be available as a Recreation Ground for Ruislip and Eastcote and there are many other smaller areas which have been set apart, either as public or private open spaces, in various parts of the District, including the banks of considerable lengths of the river Pinn and of the brook which crosses the District south of the Metropolitan Railway at Ruislip. Apart from the land purchased above mentioned, 106 acres have already been definitely secured for public open spaces, at no cost to the ratepayers other than that which may be entailed in laying out, fencing and road making and this not until use can be made of the land for public benefit.

## CHARACTER.—SHOPPING AREAS.

A feature of any well ordered scheme should obviously be the suitable relative position of areas devoted to particular purposes. It will nearly always be found, for instance, that the Railway station, drawing as it must, people to one spot, will form the centre of a trading quarter; main roads for the same reason are similarly often the principal shopping routes.

While this is so, it is desirable in the interests of trade itself as well as for the sake of the amenities of other parts of the district, to concentrate the business areas as far as possible, and so build up local markets at such centres as may be required for the convenience of the community. This principle of planning carries with it as a necessary corollary, the restriction of business to such definite centres as are provided, but this Scheme goes a little farther even, and provides compulsory as well as permissive areas for shops and business premises, that is to say, in the centre of each business area a limited amount of land is restricted in development to the building of shops and business premises alone, while provision is made for future increase of the business area by scheduling a further amount of land around as optional, either for private dwelling houses or shops.

Business centres have been fixed at natural centres or points of concentration. There are eleven different centres throughout the area, besides those which already exist, and which are not included in the area of the Scheme. The provision for compulsory shopping areas extends to  $29\frac{1}{2}$  acres and for optional shopping areas to 184 acres, making  $213\frac{1}{2}$  acres in all.

#### FACTORY AREAS.

The unrestricted areas which are the only parts of the District upon which factories or warehouses may be built are adjoining the railway at Northolt Junction and near Pinner Green, and small areas adjoining the Sewage Outfall Works at Ruislip Common and on the Northolt Road. There are 243 acres available in all.

#### PRIVATE DWELLING HOUSE AREAS.

Except the unrestricted and shopping areas, the whole of the remainder of the district is reserved for private dwelling houses, with some few reservations as to their use for professional purposes and the carrying on of cottage industries. No provision, however, is made to prevent dwelling houses of different size and character being built in juxtaposition. A scheme on broad general lines dealing with so much totally undeveloped land could hardly, with safety to the future, prescribe the very definite limitations which for this purpose would be necessary.

#### DESIGN OF BUILDINGS.

An entirely novel provision is that contained in clause 56, which enables the Council to exercise some control over the character or design of buildings. Protection from arbitrary interference or from obstinacy is afforded by the right of appeal which is given.

#### LIMITATION OF BUILDINGS.

It has long been held that some check other than the bye-law requirements as to open space ought to be placed upon the hitherto unrestricted right of a builder to crowd as many houses on his land as possible. The importance of fresh air and the value of pleasant surroundings and open spaces is sufficiently acknowledged to justify legislative control for the benefit of the community, even if injury were thereby caused to an individual, and this is no doubt a good reason for the exclusion by the Act of the right to compensation for provisions of this nature in a Town Planning Scheme. The principle adopted to secure reasonable limitation of the number of buildings throughout the area is to fix on the map different areas for differing numbers, regard having been paid to the previously existing method of development adjoining, propinquity to railways, stations, warehouse and business areas and the nature and value of the land. The maximum number of buildings which may be built is an average of 12 to the acre, while in some areas it is 8, 6, and 4 to the acre. The average is spread over what is termed a "land unit," which is defined in the Scheme and may be said, substantially, to consist of definite pieces of land belonging



to one owner, varying in size but never exceeding seven acres in extent. The maximum number of buildings permitted by the Scheme is probably higher than is likely to be taken advantage of, but taking the land in large blocks, largely undeveloped as it is, it would have been unwise to place the limit too low.

#### AMENITY.

Although the preservation of amenity, being one of the expressed objects of a Scheme, is to be found running like a thread throughout the entire Scheme, there are nevertheless certain provisions inserted to secure it in connection with a few definite matters.

#### ADVERTISEMENTS.

One of the most important of these is the regulation of advertisements, which are prohibited when it can be shown that they are interfering "with the amenity of the area" of the Scheme, that is to say, interference with the amenity of the area is the test of the application of the restrictions imposed. Exception is made in the strictly limited cases of "traders' names and business on shops and factories," and "notices" on public buildings. Practically all possible offenders are brought within the scope of the clause, viz., anyone who shall "erect, fix, place, or use or permit to be used," and the word "use" appears to have a retrospective effect. The erection of hoardings for advertisement, apart from this aspect, is subject to the provisions governing building lines.

#### GARDENS AND FORECOURTS.

Other useful provisions under the head of amenity (Clauses 60 and 61), deal with the methods by which persons may be compelled to keep tidy their gardens and there is an enabling clause by which a boulevard treatment of forecourts on a comprehensive scale may be carried out.

#### CONCLUSION.

It is obvious that with so many novel provisions of a far-reaching character, time only will shew to what extent they may prove difficult of administration or in need of amendment. It is not to be assumed that the Scheme represents an ideal or final settlement of the many problems which have confronted local authorities and landowners: in many cases the provisions fall short of what was desired and in others, clauses as originally drafted have had to be dropped altogether. On the whole, however, the Scheme is an honest and serious attempt, with the co-operation of landowners and all concerned, to provide a workable means of securing that the different parts of the District as they grow and develop, shall assume ordered parts of a unified whole, and that the ratepayers and community at large shall be saved from the costly mistakes which are inevitable where forethought and central control are absent.



TEXT OF THE ORDER OF THE LOCAL GOVERNMENT  
BOARD APPROVING THE SCHEME.

TO THE URBAN DISTRICT COUNCIL of RUISLIP-NORTHWOOD :—

TO THE RURAL DISTRICT COUNCIL of WATFORD :—

To all owners of land comprised in the Scheme set out in the Schedule hereto, and to all other persons interested in the said land :—

And to all others whom it may concern.

WHEREAS it is enacted by sub-section (4) of Section 54 of the Housing, Town Planning, &c. Act, 1909 (hereinafter referred to as "the Act"), which Section is included in Part II. of the Act, that a town planning scheme prepared or adopted by a local authority shall not have effect unless it is approved by Order of Us, the Local Government Board, and that We may refuse to approve any scheme except with such modifications and subject to such conditions as We may think fit to impose ;

And whereas on the 17th day of February, 1913, the Urban District Council of Ruislip-Northwood (hereinafter referred to as "the Local Authority"), made a town planning scheme (hereinafter referred to as "the Scheme") in accordance with the provisions of Part II. of the Act and of the Town Planning Procedure Regulations (England and Wales), 1910, and have submitted the Scheme to Us for Our approval ;

And whereas We have made certain modifications in the Scheme, and the Scheme as modified by Us is set out in the Schedule hereto ;

And whereas by sub-section (2) of Section 59 of the Act it is enacted that property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme, which, with a view to securing the amenity of the area included in the Scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which We, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose ;

And whereas clauses 36 to 56 of the Scheme, as modified and set out in the Schedule hereto, contain provisions which prescribe the matters mentioned in sub-section (2) of the said Section 59 for the purpose therein mentioned :

NOW THEREFORE, in pursuance of the powers given to Us by the Statutes in that behalf, We hereby Approve the Scheme as modified and set out in the Schedule hereto, and We hereby Declare that, having regard to the nature and situation of the land affected by the provisions of clauses 36 to 56 of the Scheme, We consider those provisions reasonable so far as they relate to the purpose mentioned in sub-section (2) of Section 59 of the Act.

*\* \* NOTE.—The marginal notes in the Scheme are here printed at the head of each clause.*

## SCHEDULE.

### URBAN DISTRICT OF RUISLIP-NORTHWOOD.

#### HOUSING, TOWN PLANNING, &c. ACT, 1909.

#### **Ruislip-Northwood Town Planning Scheme, 1914.**

#### DEFINITIONS.

(1) In this Scheme the several words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say :—

“ The Act ” means the Housing, Town Planning, &c. Act, 1909.

“ The Board ” means the Local Government Board.

“ The District ” means the Urban District of Ruislip-Northwood in the County of Middlesex.

“ The Ruislip-Northwood Council ” means the Urban District Council of Ruislip-Northwood.

“ The Watford District ” means the Rural District of Watford, in the County of Hertford.

“ The Watford Council ” means the Rural District Council of Watford.

“ The Council ” means the Ruislip-Northwood Council or the Watford Council in respect of the portions of the area for which they are respectively the responsible authority.

“ The Map ” means the Map which has been prepared in duplicate, each of such duplicates being sealed with the Official Seal of the Board and marked “ Map referred to in the Ruislip-Northwood Town Planning Scheme,” and of which duplicates one is deposited in the office of the Board and the other in the office of the Clerk to the Ruislip-Northwood Council.

“ The area ” means those portions of the District and of the Watford District which are described in Clause 2 of this Scheme.

"Street" includes any highway and any public bridge (not being a county bridge) and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.

"Number" or "No." as applied to an enclosure of land means the number marked on the map.

"Owner" for the purposes of clauses 6, 7, 13, 16 (a), 29, 35 and 61 of this Scheme shall have the same meaning as in the Lands Clauses Acts, and for the purposes of the other clauses of this Scheme shall have the same meaning as in the Public Health Act, 1875.

"The Bye-laws" mean the Bye-laws as to new streets and buildings made or hereafter to be made and for the time being in force in the District, or, as the case may be, in the part of the Watford District included in the area.

"Public Building" means a building used or constructed or adapted to be used, either ordinarily or occasionally, as a church, chapel, or other place of public worship, or as a hospital, workhouse, college, school (not being merely a dwelling-house so used), theatre, public hall, public concert room, public ballroom, public lecture room, or public exhibition room, or as a public place of assembly for persons admitted thereto, by tickets or otherwise, or used or constructed or adapted to be used, either ordinarily or occasionally, for any other public purpose.

"Building of the warehouse class" means a warehouse, factory, manufactory, brewery or distillery.

"Domestic Building" means a dwelling-house or an office building, or other outbuilding appurtenant to a dwelling-house, whether attached thereto or not, or a shop, or any other building not being a public building or of the warehouse class.

"Dwelling-house" means a building used or constructed or adapted to be used wholly or principally for human habitation.

"Width" applied to a new street, means the whole extent of space intended to be used, or laid out so as to admit of being used, as a public way, exclusive of any steps or projections therein, and measured at right angles to the course or direction or intended course or direction of such street.

"The Watford District." Although the Scheme is described as "the Ruislip-Northwood Town Planning Scheme, 1914," part of the area is situate within the Parish of Rickmansworth (Rural) in the Rural District of Watford, in the County of Hertford. The area is therefore not only in two Districts but in two Counties.

"Street." This is the definition contained in Section 4 of the Public Health Act, 1875.

"Number" or "No." The numbers are those on the 1914 Edition of the  $\frac{1}{2500}$  Ordnance Survey.



"Owner." The definition in the Lands Clauses Consolidation Act, 1845, Section 3, is as follows :—

"Where under the provisions of this or the Special Act, or any Act incorporated therewith, any notice shall be required to be given to the owner of any lands, or where any act shall be authorised or required to be done with the consent of any such owner, the word "owner" shall be understood to mean any person or corporation who under the provisions of this or the Special Act, would be enabled to sell and convey lands to the promoters of the undertaking."

The definition of "owner" in Section 4 of the Public Health Act, 1875, is as follows :—

"Owner means the person for the time being receiving the rackrent of the lands or premises in connection with which the word is used whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent."

The definition of "rackrent" in the same Section is as follows :—

"'Rackrent' means rent which is not less than two-thirds of the full net annual value of the property out of which the rent arises and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year free from all usual tenants' rates and taxes and tithe commutation rent charge (if any) and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent."

It may be observed that "owner" although defined in a somewhat elaborate manner in Section 49, Sub-section 2, of the Act for the purposes of Part I. thereof, is not defined in the Act for the purpose of Part II. (Town Planning Clauses). The definition of owner is therefore necessary in the Scheme.

"Owner" was not defined in the Town Planning Procedure Regulations (England and Wales), 1910, but in the Town Planning Procedure Regulations (Preparation of Schemes by Local Authorities), 1914, "has the same meaning as in the Lands Clauses Acts."

The Clauses in the Scheme in which the expression "owner" has the same meaning as in the Lands Clauses Acts are those the provisions of which relate to the taking, appropriation, exchange, or giving up of land or construction of streets over land.

It is interesting to note that under Clause 16—"Construction of Streets by Council"—the notice of intention to construct is to be given to "owners," as defined by the Lands Clauses Acts, but the costs of construction will be payable by the "owners" as defined by the Public Health Acts.

It may be noted that in Clause 27 as to the "Adjustment of Boundaries," the expression "owner" is not used, but "persons interested."

The definitions of "Public Building," "Building of the Warehouse Class," "Domestic Building," "Dwelling-house," and "Width" are as in the Byelaws.

## AREA OF SCHEME.

(2) The area to which this Scheme shall apply shall be those parts of the District and of the Watford District within the inner edge of the boundary line coloured vermilion on the map, excluding the portions of the District edged dark brown and hatched in dark brown lines on that map.

The boundary line is coloured outside the area so as to allow the boundary colours of the different areas of limitation of number of buildings being brought right up to the boundary line. The area in the District is 5,690 acres, and in the Watford District 60 acres.

All the excluded portions of the area hatched brown on the map, except one, are being included in a further Scheme which the Council have received the Authority of the Board to prepare.

### RESPONSIBLE AUTHORITY.

(3) The Ruislip-Northwood Council shall be the Authority who are to be responsible for enforcing the observance of this Scheme and for the execution of any works which under this Scheme or Part II. of the Act are to be executed by a Local Authority for so much of the area as is comprised within the District, and the Watford Council shall be such Authority for so much of the area as is comprised within the Watford District.

The question of the Responsible Authority where the area is in more than one District requires some consideration.

Such Authority is responsible for enforcing the observance of the Scheme and for the execution of any works which under the Scheme or Part II. of the Act are to be executed by a Local Authority. (Section 55, Sub-section 2 of the Act.) A person whose property is injuriously affected by the making of a Town Planning Scheme may obtain compensation in respect thereof from the Responsible Authority. (Section 58, Sub-section 1.)

Where by the making of a Town Planning Scheme any property is increased in value, a Responsible Authority may receive from any person whose property is so increased in value, one-half of the amount of that increase. (Section 58, Sub-section 3.) A Responsible Authority may for the purpose of a Town Planning Scheme purchase land comprised in a Scheme by agreement, or be authorised to purchase any such land compulsorily. (Section 60, Sub-section 1.) Where land included within the area of a Local Authority is comprised in a Town Planning Scheme, and the Local Authority are not the Responsible Authority, the Local Authority may similarly purchase or be authorised to purchase. (Section 60, Sub-section 2.) A Responsible Authority which fails to enforce a Scheme or to execute works which under the Scheme or Part II. of the Act the Authority is required to execute, may be ordered by the Board to do so, and any order made may be enforced by Mandamus. (Section 61, Sub-sections (2) and (3).)

Such are the duties and liabilities of the Responsible Authority under the Act, and the following are some of the reasons for providing, as in the Scheme, that the Responsible Authority should be the Local Authority of the area within which the respective parts of the area are situate:—

(1) The avoidance of the necessity of building plans being submitted to two Authorities ; (2) Owners will be concerned with one Authority only ; (3) Friction will be avoided between the two Authorities ; (4) Future schemes for other parts of their respective areas will be simplified ; (5) Compensation and payments for increase of value will be payable by and to the Local Authority of the District affected.

The principal reason why the Local Authority preparing the Scheme would desire to be the Responsible Authority for the whole area of the Scheme would appear to arise from a fear that the Local Authority of the area outside the area of the first mentioned Authority would fail through lack of interest or mere neglect to enforce the provisions of the Scheme. There is, however, the power of the Board above referred to in the case of such failure.



**Streets.****NEW STREETS.**

(4) The following new streets or footways shall be constructed under and in accordance with this Scheme and in the lines and of the width indicated on the map, that is to say, the streets or footways numbered 1, 1a, 1b, 2 to 9, 9a, 11 to 14, 14a, 15 to 19, 21 to 32, 32a, 33, 33a, 34, 34a, 35, 35a, 35b, 35c, 36, 37 to 48, 48a, 49 to 57, 57a, 58 to 61, 63 to 68, 72 to 83, and coloured pink on the map.

The expression "streets" is used throughout the scheme: "roads" is a more popular term, but the former has probably a more comprehensive meaning. (See definition above.)

The numbers quoted will be found to include all the streets shewn on the Map; some were added and others omitted in the course of modifying the Scheme, hence the reason for the numbers not being consecutive. So far as practicable the numbers of the streets run from North to South on the Map, No. 1 being a continuation of Eastbury Road in the Watford District and No. 83 South of Northolt Junction. The width of each street or footway is figured on the Map. Nos. 1a, 9a, 33, 33a, and 34a are footways only, 6 ft. or 8 ft. wide, and the following streets have a width of less than 40 ft. (*i.e.*, the width prescribed by the Bye-laws in force), viz.:—Nos. 35, 35b, 35c, 81, 82, and 83. Nos. 9, 12, part of 13, 17, 24, and 25, are shown to be 50 ft. wide, and Nos. 14, 19, part of 54, 56, and part of 61, 60 ft. wide. All the remainder are 40 ft. wide.

Except for the few cases where owners of land have been desirous of having the detailed development settled, the streets shown are those which may be expected to be required at some time or another to be made for the purpose of affording communication between different parts of the District or adjoining localities, or of giving most convenient means of access between lands belonging to different owners.

Though the Clause states that the streets shall be constructed, no obligation is cast upon any person to do so at any particular time, but there are later provisions giving compulsory powers of construction, under certain circumstances. (See Clauses 16 and 17.)

**COST OF NEW STREETS EXCEEDING 40 FEET IN WIDTH.**

(5) In respect of any of the said new streets shown on the map to be constructed of a greater width than 40 feet no owner shall be required to bear any greater expense in the execution of street works than he would have been required to bear if the new street had been of a width of 40 feet with a carriage-way of a width of 24 feet, and any greater expense incurred in the execution of such street works shall be borne and paid by the Council. The amount of the expense to be borne and paid by the Council under this clause shall be decided by the Council subject to a right of appeal under clause 77 of this Scheme against the decision.

This Clause ensures that no financial disability is imposed on a landowner on account of a street being required to be of a width greater than that prescribed by the existing Bye-laws, viz., 40 feet. The effect, put shortly, is that for wide roads the owner gives the extra land and the Local Authority pays the extra cost. This principle seems eminently fair, and is one which is capable of wider application in respect of arterial roads generally. In Districts where the Bye-laws prescribe wider roads than 40 feet, the starting point at which a Local or other Authority's liability would commence, would naturally be correspondingly extended.



It by no means follows, however, that any immediate or serious liability is undertaken by the Local Authority in respect of wide roads, as the method of construction rests with them, both under the Scheme and the Private Street Works Act, 1892, *e.g.*, they may lay out the whole of the extra width of the road with grass; all that this Clause does is to limit the liability of the *Owners* fronting the road.

#### WIDENING OF EXISTING STREETS.

(6)—(a) The existing streets shall be widened to the extent shown and coloured crimson lake on the map.

(b) When any plan is submitted to the Council for a new building to be erected in any of the existing streets which are not of the full width prescribed by the By-laws or required by this Scheme, the curtilage of which building would but for this Clause include any part of the lands coloured crimson lake on the map, the Council may require the street to be widened to such prescribed or required width so far as the land coloured crimson lake is included in such curtilage. Except where otherwise agreed, all the costs and expenses of and incidental to the carrying out of such widening, including the construction of the carriageway or footway and the fencing of the land from the road, shall be borne and paid by the Council. The Council shall carry out the works at such time or times as they consider desirable, but pending the completion of the works the Council shall provide satisfactory access from the premises to the paved or metalled portion of the highway.

(c) If at any time the Council shall desire to widen any of the existing streets where shown and coloured crimson lake on the map, the Council shall give to the owner of the land so shown and coloured two calendar months' notice in writing of their said desire, and at the expiration of two months from the date of such notice the said owner shall permit the Council to enter upon the said land for the purpose of carrying out such widening. All the costs and expenses of and incidental to the carrying out of such widening including compensation for any buildings required to be altered demolished or removed, the construction of the carriageway or footway and the fencing of the land shall be borne and paid by the Council:

Provided that the Council shall not exercise their powers under the provisions of this sub-clause in respect of the land coloured crimson lake on the map forming part of enclosures Nos. 503, 508, 516, 517, 498, 499, and 501, until the new streets or parts thereof numbered 4 and 13 on the map or the parts thereof lying between the end of Reservoir Lane and the Drive are constructed and dedicated to the public.

(d) Where any widening is undertaken by the Council in accordance with the provisions of this clause and there is any timber upon the land coloured crimson lake on the map required for such widening the owner shall be at liberty to cut and carry away all such timber as the Council do not agree with the owner to preserve.

The widenings shown on the Map are in the following streets, viz. :—Rickmansworth Road, Joel Street, Wiltshire Lane, Field End Road, Bridle Road, Cheney Street, Northolt Road, Eastcote and Ruislip Road, Reservoir Lane, Breakspeare Road, Fine Bush Lane, Bury Street, Southcote Farm Road, Howlett's Lane, Ickenham Road, Clack Lane, Wood Lane, West End Road.

Many of these widenings are specifically dealt with by the agreements made with owners (see Clause 73), but such agreements conform generally to the provisions of this clause.

Sub-clauses (b) and (c) deal with two separate sets of circumstances. The first provides that the widenings *shall* be effected at the definite time when any building is commenced on land immediately abutting on the portion of the street shown on the Map to be widened. The other is an enabling clause, for the benefit of the Council, to secure any of the widenings shown on the Map at any time it is thought by them desirable. In both cases the cost of street works falls upon the Council, but in the first case the effect is principally to relieve the landowner of liability, as it is left to the discretion of the Council as to when any such works shall be carried out. No such discretion, however, is specifically reserved in the other case (Sub-clause (c)), as it is probably assumed that the powers of the Council would not be put in force unless the widening were actually needed for traffic requirements. In each case the Council is under the obligation to bear the cost of fencing the land exposed to the widened road.

In spite of the reference at the beginning of Sub-clause (b) to "existing streets which are not of the full width prescribed by the Bye-laws or required by this Scheme," the powers of widening given by the Scheme are by no means general, as they are strictly governed by Sub-clause (a), and the reference to the Map and apply only to those actual portions which are shown by colour to be widened.

The proviso at the end of Sub-clause (c) relates to widenings in Reservoir Lane, which would be of but little benefit until one of the new streets is made giving communication with Northwood.

Sub-clause (d) makes it clear that at no time can the Council claim the timber on land which is shown on the Map to be part of a widened street, unless they require it to be left standing and are prepared to agree with the owner that it shall be preserved.

#### ADJUSTMENT OF BOUNDARIES OF STREETS.

(7) The Council may enter into an agreement with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land, provided that in no case shall the land so given up by the Council exceed in area that given in exchange by such owner: Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the District of the Council, and if, during such period of one month, four inhabitant householders of that District by themselves or their agent give notice to the Council of their intention to appeal under Clause 77 of this Scheme the Council shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal. The advertisement in the newspaper shall include notice of this proviso.



This is an important provision, but it should be observed that the Clause is only operative by agreement. In many cases what is known as a "give and take line" on a street has been agreed between the owners and the Local Authority, but this can only be legalised by an order of Quarter Sessions for stopping up the portion of the highway given up. The maxim "once a highway always a highway" applies, and land once dedicated to the public can only be enclosed by such an order. This provision of the Scheme (which has the force of an Act of Parliament), enables part of the highway to be enclosed without the necessity of such an order, but preserves the rights of the public to some extent by giving a right of appeal by four inhabitant householders. There is no corresponding power given to adjust building lines which are shown on the Map, in cases where the boundaries of a street are altered. Compare the provision of Clause 27 where the Council have powers as to adjustment of boundaries of lands otherwise than by agreement.

#### NAMES OF NEW STREETS.

(8) No name to any new street shall be set up until such name shall have been approved by the Council.

This is an enlargement of the provisions of the Public Health Act and the Model Bye-laws as to "New Streets." Section 160 of that Act incorporates the provisions of Section 64 of the Town Improvement Clauses Act, 1847, which provides that "the Commissioners," *i.e.*, the "Local Authority," shall cause "to be put up or painted on a conspicuous part of some house, building, or place at or near each end, corner, or entrance of every such street the name by which such street is to be known." Section 21 of the Public Health Acts Amendment Act, 1907, gives power to the Local Authority "with the consent of two-thirds in number and value of the ratepayers in any street to alter the name of such street or any part of such street." The Model Bye-laws as to new streets and buildings provide that every person who shall intend to lay out a street shall show on the plan of such intended new street "the intended name of such street."

#### LAYING OUT OF STREETS BY COUNCIL.

(9) The Council may lay out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large, and the Council may maintain in good order any grass margins, trees and gardens in any such street, and alter or renew the same, and may from time to time as circumstances require add to the carriageway or footway of any such street any part of such grass margins, parts planted with trees or parts laid out as gardens as aforesaid, and may from time to time alter or re-arrange the parts of any street laid out as a carriageway or footway, respectively: Provided that the Council shall not reduce the part of any such street available for traffic, whether the carriageway or the footway, to a less width than that required by this Scheme or by the byelaws as the case may be:

Provided always that nothing contained in this Clause shall empower the Council to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street.



The Council's powers under this clause are limited by the first proviso and apply therefore to the following classes of street, viz. :—

- (1) Streets exceeding 40 feet in width, in regard to which Bye-law No. 8 requires that the carriage way shall be 24 feet wide and the two footways each one-fifth of the entire width of the street : taking a street 50 feet in width, it will be found that after deducting the width of the carriage-way and footways, there remain 6 feet in all for grass margins or planting, and, taking a street 60 feet in width, 12 feet.
- (2) Streets of any width, but not exceeding 900 feet in length, as described in Clause 12.
- (3) Streets less than 40 feet in width as described in Clause 13.

Streets constructed under the ordinary Bye-laws are not affected by this Clause, and as these will, it may be supposed, still continue to form the standard type of development, it would seem unfortunate were it not that the following Clause extends the powers of the Council in this respect to such streets, when being made up under the Private Street Works Act or Public Health Act.

There is a similar Clause in the Liverpool Corporation (Streets and Buildings) Act, 1908, Section 17.

### MAINTENANCE OF NEW STREETS.

(10) The owners of lands abutting upon any new street shall, until such street shall become a highway repairable by the inhabitants at large, maintain in good order and condition such street and also until the same time any fences, grass margins and trees and embankments and other works therein. The Council may include in any private street works to be done under the Private Street Works Act, 1892, or under the corresponding provisions of the Public Health Act, 1875, with respect to any street or part of a street, any works which they may consider necessary for fencing off the same and laying out any street or any part thereof with grass margins and planting the same with trees, and apportion the expenses thereof in like manner as under those Acts.

This constitutes a new obligation upon owners and is wider reaching than the powers given to a Council under the Public Health Acts Amendment Act, 1907. It applies to all new streets, not merely the new streets referred to in Clause 4, and also to streets whether dedicated to the public or not. The latter part of the Clause regularises the procedure of the Council when taking over new streets, if not constructed in conformity with the Bye-laws. The Private Street Works Act, 1892, is in force in the Ruislip-Northwood District, but not in the Watford District, hence the reference to the Public Health Act, 1875.

### CARRIAGE ROAD TO BUSINESS PREMISES.

(11) Every person who shall construct for use as a carriage road a new street intended to form the principal approach or means of access to buildings upon land upon which, under the provisions of this Scheme, buildings are precluded from being erected except for the purpose of shops or business premises shall comply with the following requirements :—

The kerb or outer edge of the footway of such street in front of such buildings shall be set back a width of six feet from the channel at the side of the carriageway and the width of the footway shall be reduced accordingly, except that no footway shall be so reduced to less than six feet in width. The intervening space between the kerb and the outer edge of the channel of the carriageway shall be constructed so as to slope or fall towards such channel at the rate of not less than a quarter of an inch and not more than one half of an inch in every foot of width.

The intention is to form a kind of "Lay-by" or set back in the carriageway in front of shops, so as to prevent the obstruction of passing traffic by carts standing to load or unload. It only takes effect in streets where no buildings are permitted under the Scheme to be erected except shops and business premises. The channel at the side of the road is not varied in its relative position to the ordinary width of the road, but is continuous and a sort of recess has to be formed, 6 feet in width, between the channel and the footway, the surface of it sloping towards the former. The width of the footway is reduced accordingly, but it must not be less than 6 feet. If the width of the set back of the curb is read as "not exceeding 6 feet," it would be 2 feet where the footway is (as in 40 feet streets) 8 feet, increasing up to 6 feet where the ordinary width of the footway is 12 feet (as in 60 feet streets). If, however, the set back, if any, must be 6 feet, and no more or less, the provision can only take effect in 60 feet roads. Having regard to the building lines fixed for shops and business premises, the more extended reading suggested is likely to meet with approval rather than objection from shop frontagers, as not only is it a benefit to them to have a recess in the roadway in which their carts or bicycles can stand out of the way of passing traffic, but the public would thereby be brought nearer to their shop windows. For further note as to restrictions on the use of forecourts in front of shops see Clause 40 (b).

#### RELAXATION OF BYE-LAWS AS REGARDS NEW STREETS. SHORT STREETS.

(12) Notwithstanding the provisions of the byelaws, every person who shall lay out a new street which shall be intended for use as a carriage road, and which shall not be more than 900 feet in length and in which no buildings other than dwelling-houses are proposed to be erected, may lay out such street so that whatever the width of such street, the width of the carriageway thereof shall be sixteen feet at the least, and the width of each of two footways therein shall be five feet at the least. Provided that the following conditions are complied with:—

- (A) If the new street exceeds four hundred and fifty feet in length a turning space or turning spaces shall be provided in such carriageway at a distance not exceeding four hundred and fifty feet apart or from either end of the new street, which or each of which shall have an area of not less than seven hundred and twenty feet and a width of not less than twenty-four feet.



- (B) The street shall communicate at both ends with a street constructed for use as a carriage road and not less than forty feet in width and having a carriageway not less than twenty-four feet in width, or at one end with such a street and at the other end with a highway, having a carriageway, existing at the date of the approval of this Scheme.
- (c) The whole surface of the carriageway and of the footways in such street shall be constructed in accordance with the byelaws.
- (d) The space, if any, between the carriageway and either footway of such street or between either footway and the boundary of such street shall be planted with grass, trees or shrubs, or shall be otherwise suitably laid out to the reasonable satisfaction of the Council :

Provided always that the said street shall not be constructed in direct continuation of a street, not less than forty feet in width, with a carriageway not less than twenty-four feet in width.

It is open to any person who lays out a new street, whatever its width, to take advantage of this Clause, provided that (1) the street does not exceed 900 feet in length, (2) no buildings other than dwelling-houses are to be built in the street, (3) the street communicates at each end with a street not less than 40 feet wide as required by the Bye-laws, or at one end with such a street and at the other end with a highway having a carriageway existing at the date of approval of the Scheme, and (4) the street is not a continuation of a 40 feet or wider street constructed in accordance with the Bye-laws. The last condition suggests the answer to the question, which might arise on the first, viz. : what is meant by " length " of a street. There is no definition in the Scheme, but the Bye-laws (No. 5) define as a separate street, every portion lying between two cross streets. As there are no contingent demands upon an owner, such as in the following Clause, considerable relief is offered to those developing, in the first cost of road construction, as it will be possible where the circumstances allow it, to lay out a short street of Bye-law width, *i.e.*, 40 feet, with a 16 feet carriageway, and 5 feet footways, divided from it by grass margins 7 feet wide. It should be borne in mind that under Clause 10 streets have to be kept in order by owners of land abutting upon them, until they are taken over by the Local Authority, and though under the Scheme (Clause 9) the Council have power to make them up in the same manner, their powers under the Private Street Works Act, 1892, or Public Health Act, 1875, are not affected.

#### RELAXATION OF BYELAWS AS TO WIDTH AND CONSTRUCTION OF STREETS WHERE LAND FOR OPEN SPACES IS SET APART OR WIDE STREETS ARE PROVIDED.

(13)—(a) If at any time the owner or owners of any lands shall, in connection with the laying out and development of the same for building purposes, set apart on such lands to the approval of the Council a piece or pieces of land (being not less than one-tenth of the lands being or about to be laid out or developed exclusive of streets or one half acre in extent, whichever shall be the greater) as a private open space, or as a public open space, in manner provided by this Scheme, the Council



may permit the laying out or construction of any new street on the lands being developed notwithstanding the provisions of the byelaws in the following manner if they are satisfied that the laying out or construction thereof may properly be allowed, that is to say. —

- (A) Any street not exceeding 350 feet in length and not in the opinion of the Council likely to be required for purposes of through traffic may be constructed of a width not less than twenty feet.
- (B) Any street not exceeding 750 feet in length and not in the opinion of the Council likely to be required for purposes of through traffic may be constructed of a width not less than twenty-four feet.
- (c) Any street not exceeding 1,500 feet in length and not in the opinion of the Council likely to be required for purposes of through traffic may be constructed of a width not less than thirty feet.

Provided that no street as described in this clause shall be formed unless it communicates directly with a street not less than forty feet in width with a carriageway not less than twenty-four feet in width or with a highway, having a carriageway, existing at the date of the approval of this Scheme.

(b) In the case of lands over which a new street exceeding fifty feet in width is shown on the map to be constructed or is at any time laid out or constructed, the owner of such lands may in calculating the area of any piece or pieces of land set apart as an open space under the provisions of this Clause include the area of such part of such street as is in excess of a width of fifty feet.

(c) Every person who shall with the permission of the Council lay out a street in accordance with the provisions of this Clause shall construct such street as a carriage road and shall comply with the following requirements, viz. :—

(A) In respect of streets allowed to be constructed under paragraph (A) of sub-clause (a)—

(i) He shall construct the carriageway of such street so that the width thereof shall be fourteen feet at the least.

(ii) He shall construct at least one turning space in the carriageway which shall have an area of not less than seven hundred and twenty feet and a width of not less than twenty-four feet.

(iii) He shall plant with grass, trees, or shrubs, or otherwise suitably lay out or construct a footway in the space, if any, between the carriageway and the boundary of such street.

(B) In respect of streets allowed to be constructed under paragraph (B) or paragraph (c) of sub-clause (a)—

(i) He shall construct the carriageway of such street so that the width thereof shall be sixteen feet at the least.

(ii) He shall construct on one side at least of such street a footway of a width not less than four feet.

(iii) He shall construct a turning space or turning spaces in the carriageway at a distance not exceeding three hundred feet apart or from either end of the new street, which or each of which shall have an area of not less than seven hundred and twenty feet and a width not less than twenty-four feet.

(iv) He shall plant with grass, trees, or shrubs, or otherwise suitably lay out to the reasonable satisfaction of the Council the space between the carriageway and the footway of such street, or between the footway and the boundary of such street, or between the carriageway and the boundary of such street.

(c) The whole surface of the carriageway and of the footways, if any, of such streets shall be constructed in accordance with the byelaws.

Permission to owners to take advantage of this Clause is at the discretion of the Council, who must be satisfied that the laying out or construction of roads according to the provisions of it may "properly be allowed." The Clause applies to all areas, whether factory, business or residential. In the case of one landowner, viz. :—King's College, Cambridge, the Council's discretion is limited, as under an agreement (see Clause 72) considerable areas of land for open spaces have been already agreed to be set apart, sufficient to justify the definite operation of the Clause. It is obvious, however, that in other cases no land for open spaces can be expected to be given unless the Council consent to allow the Clause to be put in operation, so that there will be an incentive on both sides to come to terms in case of divergence of views. The words in the first paragraph, in brackets, "exclusive of streets," refer, it would seem, to the extent of the proportion of open space and not to the extent of the lands about to be developed, that is to say, assuming an estate of 10 acres, the available land for building would be 9 acres, less the further deduction required for roads. In no case can a street be laid out under this Clause unless the Council is of opinion that it is not likely to be required for the purpose of through traffic. The following is a summary of what may be permitted :—

		Length of Street not exceeding.	Width of Street.	Width of Carriageway.	Number of Footways.	Width of Footways.
A.	..	350 ft.	20 ft.	14 ft.	None required.	—
B.	..	750 ft.	24 ft. }	16 ft.	1	4 ft.
C.	..	1500 ft.	30 ft. }			

There must be turning spaces at distances of not more than 300 feet apart, and the spaces not occupied by carriage or footways must be suitably laid out to the satisfaction of the Council. The turning spaces must each have an area of 720 feet, and a width of at least 24 feet, so that in the case of A. and B. the streets would have to be widened at



such points and in the case of B, the footway diverted round the carriageway. (b) This is of very limited application, as it only refers to streets exceeding 50 feet in width and either shown on the Map or laid out in the future. It is some encouragement to an owner to lay out wide principal streets, especially when the advantages offered by Clause 9 are also weighed. (c) The requirements as to the construction of streets under this Clause are already summarised above. It may be noted that there are no provisions in the Scheme or in the Bye-laws at present in force determining the actual method of construction of the carriage and footways, or the materials to be used, and the wording here follows *pari passu* that of the Bye-laws.

### STREETS ROUND QUADRANGLES.

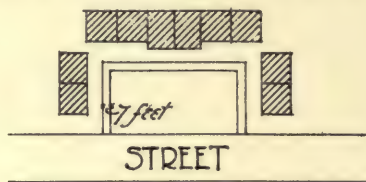
(14) Where any person intends to erect dwelling-houses round a quadrangle or other open space, such person may construct the street giving access to such buildings so that the width thereof shall be not less than seven feet, if the following conditions are complied with, viz. :—

- (i) The total length of such street shall not exceed five hundred feet.
- (ii) If such street be less than two hundred feet in length it shall communicate at one end at least, and if it be not less than two hundred feet it shall communicate at each end, with a street constructed for use as a carriage road and not less than twenty-four feet in width, or with a highway, having a carriageway, existing at the date of the approval of this Scheme.
- (iii) The space within the quadrangle or other open space so far as not occupied by such street shall be laid out as forecourts or gardens, but summer houses may be erected thereon for use in connection with such gardens.
- (iv) No close fence or wall not being a retaining wall within the quadrangle or other open space shall be erected which shall exceed three feet six inches in height.
- (v) The whole surface of such street shall be so constructed as either to curve from the centre or crown of such street, or to fall from the side of such street towards the quadrangle or other open space, to channels or a channel which shall be provided at the sides or side of the street, such curve or fall being calculated at the rate of not less than half an inch for every foot of the width of such street.

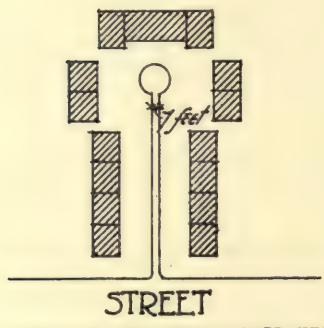
What is a "quadrangle or other open space?" The primary intention here is undoubtedly to legalise the erection of dwelling-houses (no other kind of buildings are allowed) round three sides of a square, one side being open to the road and the approach to such buildings being by a footpath alone. Were it not for this Clause, the approach to the houses as in sketch would require to be, if not of the ordinary Bye-law width, at least of the width specified for short roads in the previous Clause. Many variations of this type of development will naturally suggest themselves, such as the Crescent which used to be in vogue a century or so ago with satisfactory architectural results, but perhaps the form which



offers the most advantages from the point of view of economy is the cul-de-sac treatment of a "small close," which permits a maximum number of houses with a minimum expenditure for roads. (i.) A limit to the length of such roads must obviously be enforced. (ii.) This limit must also obviously be lower in the case of a cul-de-sac as B. than where there is an outlet at each end as A, and in view of the possibility of constructing more than one of such forms of development on a road, the requirement as to the carriageway from which these small streets are approached seems reasonable; in effect the only streets out of which these 7 ft. roads are forbidden are the 20 ft. streets permitted under Clause 12. (iii.) The "space within the quadrangle" is the space between the houses or between houses and the opposite boundary of the open space, in fact, all the space enclosed, including the



A



B

street itself. It is not merely the space which may be enclosed by the street. There might be no space at all which is not occupied either by the street itself or by forecourts, but if there is, it must be laid out as a garden and be kept in a proper state. (See Clause 60.) Alternatively it might be set apart as a public or private open space under Clause 35. The permission to build summer houses on the open space is a qualification which brings such cases into line with what is allowed in respect of public or private open spaces (Clauses 30 and 32). The ordinary provisions as to building lines do not apply in regard to the dwelling-houses fronting streets, the subject of this Clause, if the houses have an open space at least 60 ft. wide in front (see Clause 37), and though any buildings erected on the open space are not also specifically excluded from their operation, it would seem to be implied that they are not subject to a building line as for the purpose of this Clause they are treated as open space. (iv.) The general provision as to fences next the boundary of streets allows

a maximum height of 5 feet (Clause 64) but this is much stronger, as in effect it limits the height to 3 ft. 6 in. for all fences, including division fences, in front of houses fronting 7 ft. streets. (v.) It must be considered that in the ordinary way a 7 ft. street will be for foot passengers only, but the wording here follows the Bye-law for the construction of a carriage-way; but even if the street is dedicated for foot passengers only, it may not be possible to ensure that vehicular traffic is excluded, indeed, for certain purposes at times it may be desirable that a cart or carriage should be taken up the street. The method of making up a footway which is liable to occasional use by vehicles will have to be considered.

#### TAKING OVER OF STREETS BY COUNCIL.

(15) The Council may, if they think fit, take over and maintain as a highway repairable by the inhabitants at large any street when it shall have been made up in accordance with the provisions of this Scheme to the satisfaction of the Council, notwithstanding that such street may not be of the full width prescribed by or may not be otherwise in accordance with the byelaws.

This Clause is merely ancillary to the previous Clauses as to narrow streets. Under the Public Health Acts and the Bye-laws as to new streets no new street could be laid out unless such street complied with the Bye-laws and these as a rule provide for a width of at least 36 feet. There are, however, cases where the street is not intended to form the principal means of approach to or means of access to buildings and in such cases streets of a width of 16 feet are permitted under the Bye-laws. The Scheme however provides for streets of varying widths in some cases less than that provided by the Bye-laws. If there were any doubt, therefore, as to the legality of taking over such streets this Clause sets the matter at rest.

Section 5 (d) of The Hampstead Garden Suburb Act 1906, 5 Edw. VII., Cap. ccvi., contains a provision to the same effect as this Clause.

#### CONSTRUCTION OF NEW STREETS BY COUNCIL.

(16)—(a) If at any time the Council shall desire to construct any of the new streets coloured pink on the map or any part thereof, together with all necessary slopes and embankments, the Council shall give to the owner or owners of the lands over which any such street or such part thereof is shown on the map to be constructed six calendar months' notice of their said desire, and at the expiration of six months from the date of such notice the said owner or owners shall permit the Council to enter upon the said lands for the purpose of constructing any such street or such part thereof with all necessary slopes and embankments, and the Council shall construct the same accordingly. Subject to the provisions of clause 5 of this Scheme all the costs and expenses incurred by the Council of and incidental to the construction of any such street or such part thereof, including the provision of foul and surface water sewers and the provision of proper means for lighting such street or such part thereof and the placing and keeping in repair of fences and posts pursuant to Clause 18 hereof, shall be deemed to be expenses of private street works within the meaning of the Private Street Works Act, 1892; and the Council shall



have all such powers of apportioning the said costs and expenses upon the lands and premises fronting, adjoining or abutting upon any such street or such part thereof and upon any other lands and premises access to which is obtained from such street through a court, passage or otherwise, and which in their opinion will be benefited by the construction of such street or such part thereof, and of recovering the said costs and expenses, as are conferred upon a local authority in respect of expenses of private street works under the said Private Street Works Act, 1892, subject to a right of appeal under Clause 77 of this Scheme by any person who deems himself aggrieved by such apportionment. Provided that nothing herein contained shall authorize the Council to include in such apportionment any expenses of widening any bridge over or under any railway.

(b) The Council may prescribe a period of time within which the sum or sums so apportioned upon any person shall be payable, subject to a right of appeal under Clause 77 of this Scheme by any person who deems himself aggrieved by any period of time so prescribed, and in prescribing such time for payment shall take into consideration the time at which the construction of such street will be of benefit to any person upon whom any apportionment is proposed to be made as aforesaid. Provided always that, in the event of any new street or any part thereof being constructed upon any lands under the provisions of this clause without the consent in writing of the owner of such lands, the Council shall not be entitled to recover any part of the sum apportioned against any of such lands until the lands against which the apportionment is made or some part thereof shall be used for some purpose other than agriculture and shall then, and from time to time only be entitled to recover such part of the sum so apportioned as shall be properly attributable to the land so used. Provided also that no interest upon such apportioned sum shall be payable to the Council in respect of the period from the date of apportionment until such lands shall be used for some purpose other than agriculture.

Provided also that the costs and expenses of and incidental to the construction of the new street numbered 48a on the map, including the necessary fencing and gates on each side and compensation to the tenant, if any, shall be defrayed by the Ruislip-Northwood Council and shall not be recoverable from the owner of the land upon which such street is shown to be constructed.

(c) The Council shall upon the completion of the construction by the Council of any new street or any part thereof under the provisions of this clause by notice fixed up in such street or part of such street declare the whole of such street or part of such street to be a highway repairable by the inhabitants at large, and thereupon such street or part of such street as defined in the notice shall become a highway repairable by the inhabitants at large.



(d) For the purposes of this clause the Private Street Works Act, 1892, shall be deemed to be in force in the Watford District as if it had been put in force by order of the Board under that Act.

It must be generally admitted that the absence of some means to secure the construction of roads would stultify and render nugatory an important object of a Scheme. The Council are therefore given large powers under this Clause, but they are accompanied by serious obligations.

After six months' written notice, the Council may enter upon land for the purpose of constructing any of the streets or parts thereof, shewn on the map. Nothing is said about levels, but the words " necessary slopes and embankments " imply that the works may extend to land beyond the actual limit required by the width of the street. The Council is also, by implication, enabled either at the same or some future time to lay in foul and surface water sewers and to provide means of lighting. Before commencing any work, the land on either side has to be fenced off from the site of the street by the Council and sufficient gates provided (Clause 18), and such fences and gates may, but not must, be kept in repair by the Council. When any street constructed by the Council has been completed, it becomes a highway repairable by the inhabitants at large.

The whole of the work is executed at the cost, in the first instance of the Council, who it may be presumed would not exercise their rights unless the making of a road were really desirable in the interests of the community. Cases, however, might arise where it may be essential to satisfactory building development on an Estate that a portion of a road should be made across the land of an adjoining owner who is unwilling or declines to co-operate. In such circumstances, though perhaps urgency could not be claimed, the Council might exercise their powers and could doubtless, by agreement with the Owner in whose interests a road were so constructed, be re-imbursed the initial cost.

Though the first cost of roads constructed by the Council without the written consent of the Owner of the land has to be borne by the Council, they are entitled to recover it eventually, but not until the lands affected are used for some purpose other than agriculture and in such cases without interest on the money expended. When the work of construction is completed and subsequently in the event of the Council having to repair fencing or gates, the costs are deemed to be expenses of private street works within the meaning of the Private Street Works Act 1892, they can be apportioned and recovered as provided in that Act, upon lands fronting, adjoining or abutting on the street or upon lands which will be benefitted. This latter power may be the means of spreading the cost over a wider area than that directly affected by the street itself. Apart from the provision that no apportionment on land can be recovered so long as such land is used for agricultural purposes, a period of time may be prescribed, differing as to the various apportionments, within which the sums apportioned are payable, and the Council must give consideration to the time when the construction of the street will be of benefit to the land upon which an apportionment is made. It is to be presumed that the right of appeal to the Justices as to the method and cost of construction is available and in addition there is a similar right of appeal as to the apportionment of costs and expenses of construction and periods prescribed for repayment.

Nothing is said in this Clause as to the provision of gas, water, or electric mains, and unless the Companies having statutory powers in the District were willing to lay in the mains free of cost when a street is being constructed under this Clause, either the Council would have to bear the cost, which cannot apparently be recovered from Owners or the laying

of the mains would have to be a matter for arrangement between the Owners and the Companies, with the possibility that nothing would be done till after the street was completed and building commenced. This eventuality would be very unsatisfactory and it seems unfortunate that no definite provision to meet this point has been inserted, though it was not lost sight of.

This is probably the most important Clause in the Scheme dealing with new streets, and it will be seen that the principle adopted is to leave complete freedom to landowners to construct the new roads which have been laid down in the Map as and when it suits them. Development is therefore neither hastened nor retarded and no expense is incurred either by Owners or ratepayers until there is a prospect of return in the case of the former and public need in the case of the latter. It is not to be denied that additional means of communication in the District would be acceptable and the Scheme makes it possible for this to be obtained whenever it is thought that financial considerations warrant it, while imposing no obligation in point of time.

The proviso to sub-clause (b) refers to what is in effect a short road diversion in Field End Road, Eastcote, which when carried out will be a public improvement.

Sub-clause (d) is inserted as the Rural District Council of Watford have not adopted the Private Street Works Act 1892.

#### NOTICE BY OWNER TO CONSTRUCT NEW STREET.

(17) Any owner or owners of land over which a new street exceeding forty feet in width is shown on the map to be constructed may, where such street or part thereof will, when constructed, communicate at each end with a highway repairable by the inhabitants at large, give to the Council six months' notice in writing requiring the Council to construct the said new street or the said part thereof and the Council shall with reasonable speed after the expiration of such notice construct the said street or the said part thereof, and may construct the same prior to the expiration of such notice. All the provisions of the last preceding clause shall have effect as if the new street or part thereof were constructed at the desire of the Council, except that all the costs and expenses incurred by the Council of and incidental to the construction of such street or part thereof shall, subject to the provisions of Clause 5, be apportioned upon the owner or owners requiring such street or part thereof to be constructed and shall, upon the completion of the work, be recovered from such owner or owners.

This is the only Clause in the Scheme which compels the Council to execute work at the request of an Owner. It is only in respect of wide streets, *i.e.*, those exceeding 40 feet in width that the option is given to an Owner or Owners to require the Council to construct such a street upon his land and the option is of course confined to those wide streets which are shewn upon the map. It is a condition precedent that the street must communicate at both ends with other streets which are public highways, so that the use of the new street will presumably serve more than a purely private or local purpose. The reason for throwing this obligation upon the Council is principally to avoid any difficulty which might arise, to the prejudice of an Owner, owing to his not being responsible (under Clause 5) for the cost of more than 40 feet of the width of a wide street, as there would, if he actually made the road, be no obligation upon any one to deal with the excess width. A street so made



must at once be " taken over " by the Council, but the whole cost of construction including the provision of Sewers, &c., is apportioned as under the preceding Clause, except that it must be wholly upon the Owner or Owners requiring the new street and is recoverable from them as soon as the work is completed.

#### PROVISION OF FENCES BY THE COUNCIL.

(18) The Council shall, before commencing the street works, erect sufficient fences, posts and gates for the purpose of fencing off any of the streets to be constructed by them under the provisions of Clause 16 hereof from the adjoining lands and for giving access to such lands.

#### FOR THE PROTECTION OF TRUSTEES OF RUISLIP COTTAGERS' ALLOTMENT CHARITY.

(19)—(a) If the Council under the provisions of this Scheme desire to construct such portions of the new streets No. 4 and No. 13 on the map which are shown to be constructed upon the land belonging to or held in trust for the Ruislip Cottagers' Allotments Charity known as the Ruislip Poors Field, they shall before entering upon the said land for the purpose of constructing or executing any works in connection with such new streets procure to be conveyed to the Official Trustees of Charity Lands in trust for the said charity the freehold inheritance of the two pieces of land forming part of Copse Wood and abutting on the western side of the said Ruislip Poors Field and coloured light green on the map

(b) The whole of the costs and expenses of and in relation to the construction of such portions of the said new streets shall be borne and paid by the Council and the Council shall not apportion any such costs or expenses upon the lands belonging to or held in trust for the said Charity.

(c) The Council shall make no claim under Section 58 of the Act in respect of any increase in value of the lands belonging to the Charity by reason of the making of this Scheme provided that no claim by the trustees under the said Section shall be made for compensation by reason of the making of this Scheme.

(d) The Council shall at their own expense erect good and sufficient fences for the purpose of fencing off from the said new streets the land belonging to or held in trust for the said Charity including the two additional pieces of land as aforesaid.

They shall also erect two good and sufficient gates for providing access to the said lands from the said new streets and shall also carry out at their own expense any necessary works for laying out such land and for forming a new pond for watering of cattle.

The said fences and works to be erected and carried out shall be executed to the satisfaction of the trustees.

(e) The Council shall pay all the legal costs and other expenses of the trustees or of the Official Trustee of Charity Lands.



This Clause was inserted in order to bind the Charity without any doubt inasmuch as the Scheme has the effect of an Act of Parliament. This course seems preferable to an agreement in cases of this description. The effect of the Clause is primarily to effect an exchange of land so that the quantity of land belonging to the Charity will not be diminished.

It will be noticed that the whole of the expense of the works and legal costs are to be borne by the Council. The land is used for grazing by the Cottagers of the Parish, and the Council were desirous of interfering as little as possible with their rights. Moreover the construction of the new streets referred to are in the interests of the public rather than the Charity. The land cannot, under the ruling of the Charity Commissioners, be developed for building purposes, and is scheduled in the Scheme as a private open space.

#### FOR THE PROTECTION OF THE METROPOLITAN RAILWAY COMPANY.

(20) The Council shall not be entitled to recover any sum of money apportioned upon the land belonging to the Metropolitan Railway Company forming part of enclosure No. 722 on the map in respect of the construction of the new street No. 41 on the map, and no compensation shall be payable by the Council under Section 58 of the Act to the said Company, nor shall the Council make a claim against the said Company under the same section in respect of any increase in value of the property of the said Company by the making of this Scheme.

This was an agreed Clause with the Railway Company. It will be noticed that no claim for compensation will be made by the Company nor for betterment by the Council nor will the Council be able to recover any expenses of street works from the Company. The construction of the street is of great importance and, as the land was given free, a concession was made to the Company. The Railway Companies claim that under Section 45 of the Act (Part I) their land cannot be taken compulsorily for the purpose of Part II., but this cannot be admitted. (See Clause 86 of the Scheme as to the protection of Railway Companies generally.)

#### FOR THE PROTECTION OF CERTAIN OWNERS.

(21)—(a) The Council shall not be at liberty to enter upon the land comprised in enclosure No. 326*a* on the map under the provisions of this Scheme for the purpose of constructing the new street No. 34 on the map until such time as a street shall be laid out or commenced to be constructed with which the said street No. 34 when constructed would connect at its eastern extremity.

(b) The provisions of Clauses 16 and 17 of this Scheme shall not apply to so much of the new street No. 14*a* on the map as lies within the boundaries of the lands at present leased to the Northwood Golf Club so long as the enclosures numbered 126 and 233 shall continue to be used for purposes of golf links.

(a) This Clause is inserted with the object of avoiding claims for compensation or at any rate postponing the payment until benefit is obtained from the Scheme. The connecting street will be outside the area and District. It would be useless for the Council to construct the new street No. 34 until the connecting street be constructed.

(b) This Clause was considered essential to the ultimate "road scheme" of the town plan by the Local Government Board. It will be seen that the Council's powers are postponed so long as the present golf links are used for that purpose. The land is the subject of an agreement (see Clause 73) under which there will be no claim by the freeholders for compensation or by the Council for betterment.

These two provisions are a valuable example of a principle which is capable of being largely developed in a Scheme to the present advantage both of a Local Authority and Owner. The latter may avoid interference with his property for a definite time or until some definite advantage accrues to his land.

#### SUBMISSION OF SCHEME OF DEVELOPMENT OF ESTATES.

(22) In addition to any powers now or hereafter conferred upon them by Section 17 of the Public Health Acts Amendment Act, 1907, or any Act amending the same or by the byelaws, the Council, whenever any plan for a new street within the part of the area within their District shall be submitted to them for approval, may by notice in writing addressed to the owner or owners of any estate or lands within the said part of the area the development of which will be affected by the construction of such street, require such owner or owners to furnish to the Council, within a reasonable time to be specified in such notice, being not less than one month from the date of the notice, plans and particulars showing generally a scheme for the development or laying out of such estate or lands or such part thereof as the Council may reasonably require

This Clause is obviously not ideal. There is no obligation upon the owners of the lands to actually develop the lands according to the plan. Moreover, the Clause fails to provide that the plans shall be approved by the Council, or when approved by the Council shall in the event of development be carried out. It is nevertheless a useful Clause and for the benefit of Owners, if only because it is of a suggestive nature, and much good might ensue from its provisions in the event of neighbouring estates being about to be developed, especially as the following Clause gives stronger powers to the Council.

Section 17 of the Public Health Act Amendment Act 1907 gives power to the Local Authority upon the submission of a plan of a new street by order to vary the position, direction, or termination, or level of the new street for the purpose of securing better means of communication with another street or a better opening to such street at either end. The Local Authority cannot exercise their powers if the purchase of further land by the owner of the lands on which the new street is intended to be laid out is necessary. If the Local Authority make an order the new street must be laid out or constructed in compliance with the order. The Local Authority are required under the section to pay compensation to any person injuriously affected by the exercise of their powers.

#### CONSTRUCTION OF NEW STREETS OTHERWISE THAN BY COUNCIL.

(23) Subject to the provisions of this Scheme, and to a right of appeal under Clause 77 of this Scheme, all streets in the area constructed otherwise than by the Council, shall be constructed with such turning and crossing places and on such sites as shall be required by the Council, and shall not be commenced until all notices required by the byelaws for the time being in force in the district of the Council



shall have been sent to the Council, and until all plans and sectional drawings so required shall have been submitted to and approved by the Council: Provided that the Council shall not be empowered under this clause to authorise any street to be made of a less width than is required by the byelaws in force in the district of the Council except to the extent authorised by this Scheme or to require except by agreement any street to be made of a greater width than is required by the said byelaws.

This or a similar Clause is essential to a Town Planning Scheme. At the present time the tendency is to suggest that a skeleton scheme should be prepared at the outset, with perhaps, merely a few streets shewn, and a provision as to limitation of buildings to the acre, leaving the details to be filled in subsequently, and if all schemes contain a clause similar to this there would not appear to be any great objection to that course so far as streets are concerned. Objection has been taken to the Clause on the ground that the construction of streets might be held up indefinitely as no actual limit of time is fixed within which plans should be approved as in the case of plans submitted under byelaws. The conditions are not quite parallel. The Council have to consider under a Town Planning Scheme many questions which do not apply in the case of plans submitted under bye-laws. In that case there is one question only, namely, do the plans comply with the Statutes, Bye-laws, and Regulations in force in the District; if they do the plans must be approved. Under this Clause the direction and position of the new street may affect the land of other owners and the Town Plan generally, and other owners may have to be communicated with (as provided by Clause 22). It is submitted that an owner is sufficiently protected by the appeal under Clause 77 of the Scheme. The provision of this Clause that the works shall not be commenced until the plans are approved, is from the point of view of a Local Authority, of great importance and puts an end to the anomalous position under bye-laws, namely that a builder has only to present some plan and then proceed.

The Clause to some extent supersedes Section 17 of the Public Health Acts Amendment Act 1907 (referred to in the preceding Clause) and particularly in the matter of compensation. Compensation under the Scheme is only payable as provided by Clause 80.

#### DAMAGE TO TREES, &c.

(24) No person shall wilfully damage any tree, shrub or plant or grass margin in any street or any fence or guard erected thereon, and no person shall wilfully ride or drive any horse, cattle or vehicle over or across any grass margin.

This provision applies to all streets in the area whether taken over by the Local Authority or not. See Section 307 of the Public Health Act 1875 and the notes thereon in Lumley's Public Health Acts as to malicious damage.

#### COMMUNICATION TO PREMISES ACROSS GRASS MARGINS.

(25) Section 18 of the Public Health Acts Amendment Act, 1907, shall apply and be read as if the words "or grass margin" were inserted in that section after the words "a kerbed or paved footway."

Section 18 of the Public Health Acts Amendment Act 1907 gives the Local Authority certain powers as to approval of new means of access to a street across a kerbed or paved footway and under this Clause this will also apply in the case of a grass margin. There is an appeal to Quarter Sessions against any unreasonable requirements of the Local Authority.



## SANCTION OF BOARD AS TO MODIFICATIONS OF NEW STREETS, &amp;c.

(26)—(a) The Board may, on the application of the Council or an owner or owners, sanction any modification in detail with reference to the position or construction of any of the proposed new streets or proposed widenings shown on the map.

(b) No such sanction shall be given on the application of an owner or owners (1) except in regard to a proposed street or widening which under the Scheme is to be entirely constructed or made on lands belonging to the owner or owners making the application, or in regard to the owner or owners making the application, or in regard to such portion of a proposed new street or widening as is to be constructed or made on such lands, and (2) unless the proposed modification would not involve the construction or making of the street or widening or any part thereof on any lands not belonging to the said owner or owners and would not in the opinion of the Board materially affect the convenience or direction of the proposed new street or its connection with any other proposed new street shown on the map or any existing street.

(c) A copy of any application to the Board under this clause by an owner or owners shall be sent by the owner or owners to the clerk to the Council at the time the application is made.

(d) If the Board on the consideration of any application under this clause whether by the Council or an owner or owners are of opinion that persons may be affected by a proposed modification who have not consented thereto or have not been heard in reference thereto they may before sanctioning the proposed modification require an advertisement giving notice of the application to be inserted in some local newspaper circulating in the district of the Council, such notice to describe the proposed modification and to state that any person objecting to the sanction being given may within 21 days give written notice to the Board of the objection.

(e) The Board in giving their sanction under this clause to any modification in regard to the position of a proposed new street or widening may make any alteration of the scheme which in their opinion is rendered necessary by reason of the said modification.

Perhaps no point has been more strongly pressed by owners than that there should be some means of allowing deviation of streets shown on the map either at the will of the owner within the limit of his own land or at any rate with the consent of the Council.

It is suggested that if it is intended that the Map shall absolutely define the position of the streets, every street shown must be accurately surveyed, and plans and sections prepared, as if it were to be constructed and the Map must be on a much larger scale. The subject, though difficult, is one of importance, and the only real objection to this Clause, which can be put in action either by an owner or the Council, is that so much delay might be caused as to render doubtful the advantage of an application to the Board. This, however, is a matter for future experience.

It may be mentioned that the Scheme as made by the Council provided (a) that an Owner might, provided such alteration did not in the opinion of the Council materially affect the convenience or direction of a new street shown on the map or its satisfactory connection with another new street, alter the position of such street within the limits of his own land where, owing to configuration of the ground or preservation of trees or other natural features or architectural effects or sewerage or easier gradients, the Owner considered it desirable to do so and (b) the Local Government Board might sanction any modification in detail of new streets shown on the map which might be agreed between the Council and an Owner or Owners, but such sanction was not to be given until after an advertisement had been inserted in a Local paper stating what was proposed. These proposals of the Council were, however, not approved by the Board.

### ADJUSTMENT OF BOUNDARIES.

(27)—(a) The Council may, for the purposes of securing the proper laying out or development of any estate or lands within the part of the area in the district of the Council in respect of or in connection with which any of the new streets referred to in Clause 4 of this Scheme are to be constructed, or any plans for any other new streets to be constructed in that part of the area are submitted to the Council for approval, require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands within that part of the area adjacent or near thereto, and for effecting such exchanges of land as may be necessary or convenient for such purposes, and the provision to be so made and the terms and conditions upon which such provision is to be made shall, failing agreement between the Council and the respective persons interested in such estates or lands, on the application of the Council or any such person, be determined by an arbitrator to be appointed by the Board, and the Council may, for securing the execution of any such purposes, agree to pay, and may and shall pay to any such person or persons such sums as may be agreed upon or, in default of agreement, be determined by arbitration as aforesaid, provided that the payment of money by any such person shall not be made a term or condition of any award made under this clause otherwise than with his consent.

(b) Any award made under the provisions of this clause shall operate to effect any adjustment or alteration of boundaries or exchange of lands which may be provided for by such award, or be necessary for giving effect thereto, and shall be duly stamped accordingly; and the costs, charges, and expenses of any such arbitration shall, unless and except in so far as the award shall otherwise provide, be borne and paid by the Council.

(c) Any lands or moneys received by any person in or in respect of an adjustment or alteration of boundaries or exchange of lands under the provisions of this clause shall be held by such person, subject to the same trusts (if any), and any lands so received shall also be held subject to the same covenants, restrictions, and conditions (if any), as the lands exchanged therefor.



(d) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Council may themselves purchase subject to the provisions of the Act any land, and may sell or lease the land so purchased in whole or in part at such time or times, at such price or prices, and on such conditions as they may think fit, or may appropriate the same for any public purpose approved by the Board, and until such sale or appropriation may occupy, manage or let the same or any part thereof in such manner as the Council may think reasonable.

(a) This Clause (which also appears in the Birmingham Scheme) is a distinct innovation and the powers conferred upon the Council are of great importance. It will be observed that the powers are only given in connection with new streets, but the Council have absolute power to *require* an adjustment of boundaries and exchange of lands subject in the case of disagreement between the Council and the persons interested in the estates or lands concerned, to arbitration by a person appointed by the Local Government Board. It will be noticed that reference is made not to "owners," but "persons interested." The Council are empowered to pay money for the execution of any of the purposes mentioned in the Clause. No person can, however, be required to pay money under an award under the Clause without his consent.

(b) The Award will operate as a Conveyance of any lands and must be duly stamped. Where the arrangement is carried out by an agreement between the parties it would appear that Conveyances would be necessary. It will be noticed that unless the Award otherwise directs, the Council pay the costs of the Arbitration.

(c) This sub-clause will avoid a lengthy reference to restrictions, &c., in the Award or Conveyances, but it will be advisable to state in the Award or Conveyances that the documents are made in pursuance of this Clause.

(d) This sub-clause gives the Council power to purchase any land thereunder and resell lease or appropriate for a public purpose any land purchased by them, subject in case of such appropriation to the approval of the Board.

The general effect of the Clause is to enable the Council to acquire and dispose of lands and effect exchanges of lands without the necessity of obtaining Statutory powers from Parliament. Subject to the limitation as to the purposes for which the provisions operate, they are probably the first instance of general powers being given to a Local Authority to purchase or hold land for undefined objects.

#### DIVERSION AND STOPPING UP OF HIGHWAYS.

(28)—(a) The respective public highways described below and hatched red on the map shall as from but not until the respective dates on which the said proposed new streets or footways set opposite to each shall have been constructed to the satisfaction of the Council and opened for public traffic be deemed to be diverted or stopped up, and all public rights thereover shall cease as from such respective dates. The soil up to the middle line of such highways except the highway numbered (5) below shall thereupon be deemed to vest in the persons who own the freehold of the land abutting on such highways, subject always to the rights of the Council and others being reserved in regard to existing sewers, gas and water mains, electric



cables or wires and other works, but the road materials on highways diverted or stopped up may be removed by the Council, without payment, if they so desire within six months of such respective dates :

Provided always that, where any such proposed new streets are constructed in portions, such portions of the said public highways as correspond to the portions which have been made of the said new streets may be diverted or stopped up, provided the Council are reasonably satisfied that an equally convenient right of way has been provided for the public use ; and wherever it may be necessary for that purpose the person or persons constructing the proposed new streets or any portion thereof shall from time to time provide to the satisfaction of the Council a temporary right of way from the portion of the proposed new street which shall have been constructed to that portion of the said public highway which is not, at that time, to be diverted or stopped up ; and, for the purpose of any further diversion or stopping up, such temporary right of way shall be deemed to be part of the remaining portion of the said public highway :

Provided also that where more than one proposed new street is set opposite to a public highway a portion only of the said highway may be diverted or stopped up if the Council are satisfied that by the construction of the whole or any part or parts of any one of the said proposed new streets an equally convenient right of way has been provided for the use of the public.

(b) The same proceedings may be taken and the same powers exercised pursuant to the Public Health Act, 1875, or the Private Street Works Act, 1892, in respect of any of the new streets mentioned in this clause of which a part is or may be a public footpath or repairable by the inhabitants at large as fully as if the whole of such street were a highway not repairable by the inhabitants at large and without regard to the liability of any person or corporation to repair the said public highways which may be diverted or stopped up under the provisions of this clause.

(c) The highways above referred to are as follows :—

Description of Highway or Footway to be diverted or stopped up.	Number of the Map of New Street or Footway.
(1) The highway or footway leading from Jackets Lane, crossing the enclosure numbered 159 on the map and then rejoining Jackets Lane.	2
(2) The footway leading from the boundary of the Counties of Hertford and Middlesex across Sandy Lodge Way and the enclosures numbered 90a and 91 on the map in the Parish of Rickmansworth Rural to the southern boundary of the enclosure numbered 92.	1b
(3) The highway or footway leading from the eastern boundary of the enclosure numbered 97 on the map in the Parish of Rickmansworth Rural in a north-easterly direction to Clay Pit Lane.	1 and 1a

Description of Highway or Footway to be diverted or stopped up.	Number on the Map of New Street or Footway.
(4) The highway leading from the Rickmansworth Road across the Gravel Pits to the point at a distance of about 156 yards from that road where the proposed new footway No. 9a on the map will join the said highway	9a
(5) The highway leading across the Gravel Pits from its junction with the proposed new footway No. 9a on the map at a point 156 yards from Rickmansworth Road to Ducks Hill Road, except in respect of use by foot passengers.	4 and 5
(6) The highway or footway leading from Bury Street, crossing enclosure numbered 268 on the map to Frog Lane.	19
(7) The highway or footway leading from Joel Street to Raisins Hill . .	19 and 33
(8) The highway or footway leading from the brook in enclosure No. 408 on the map to Catlin's Lane.	33a
(9) The highway or footway leading from Brakspear Road in a north-westerly direction to the boundary of the District.	22
(10) The highway forming part of Howletts Lane from its junction with Bury Street to the north-western side of the proposed new street No. 24.	24
(11) The highway or footway leading out of Howletts Lane in a south-easterly direction across enclosure numbered 573 on the map to the street numbered 23 on the map.	25
(12) The highway or footway leading from Howletts Lane in a south-westerly direction to the street numbered 23 on the map near Southcote Farm.	25
(13) The highway or footway leading from a point to the west of Southcote Farm across enclosures numbered 544 and 571 on the map to the footbridge in the enclosure numbered 616 on the map.	25
(14) The highway or footway leading from Bury Street across enclosure numbered 268a on the map for a short distance, then in a south-easterly direction across enclosure numbered 567 on the map, and thence in a north-easterly direction crossing enclosures numbered 549, 487, 485, 483, and 470 on the map until it joins Frog Lane.	28, 18, and 29
(15) The highway forming the part of the Eastcote and Ruislip Road to the south of the proposed new street numbered 32a on the map.	32a
(16) The highway or footway leading from Wiltshire Lane to Joel Street, and situate at a distance varying from 120 to 200 feet north of the proposed new street numbered 19 on the map.	19 (part of)
(17) The highway or footway leading from the bottom of Cuckoo Hill, across the enclosure numbered 326a on the map to the boundary of the District.	34 and 34a

Description of Highway or Footway to be diverted or stopped up.	Number on the Map of New Street or Footway.
(18) The highway or footway leading from Cheney Street to Street No. 35a on the map.	35
(19) The highway forming the part of Field End Road to the east of the proposed new street numbered 48a on the map.	48a
(20) The highway or footway leading from Ruislip and Eastcote main road to the northern boundary of the proposed new street numbered 14 on the map to the south-east of Bourne Farm.	39 and 14
(21) The highway or footway crossing the enclosures numbered 626 and 627 and forming also part of the enclosure numbered 631 on the map.	36

(d) In the construction of any of the new streets or footways referred to in this clause the Council shall (if required, by the owner and at his expense) do all that may be necessary for transferring to the new street or footway or for abandoning any sewers, gas or water pipes, electric wires, or other works lying in the highways to be diverted or stopped up, and shall provide proper service pipes from the mains in the new street or footway to connect up with any property now or hereafter being served by any sewers, pipes or works so transferred or abandoned. No such transfer or abandonment shall take place until notice shall have been given to any statutory undertakers affected, who may if they require do the necessary work themselves and charge the reasonable cost thereof against the Council, who may recover the same from the owner. Until any such work is completed the Council or other owner of any such pipes, sewers, or works shall have full access to, and the same powers with regard to, the same as they previously had.

(a) This is one of the matters in which Town Planning Schemes will confer great benefits upon local authorities. The extremely cumbersome procedure under the Highway Act 1835 will be avoided and when it is considered that the expense under that Act in case of each of the diversions mentioned in the Clause would amount to some £30, it will be seen that this Clause alone will save some £630 either to the Council or Landowners. It should be borne in mind that the Clause only applies to the highways or footways mentioned therein, and that it will be necessary to follow the old procedure in the case of any other highways in the area. The list, however, includes all the highways which it seemed desirable to stop up or divert with the exception of one. This comprised a small length outside the area of the Scheme and the procedure of the Clause was held to be inapplicable. It will be noticed that the stopping up or diversion cannot take place until new highways are provided, although provision is made for closing the old highways in sections when the Council are reasonably satisfied that an equally convenient right of way has been provided for the public use. Similarly the diversions may be made in case of one new street only being constructed instead of two or more if the Council are so satisfied.

(b) The Private Street Works Act 1892 is in force in the Ruislip-Northwood District, and the Public Health Act of 1875 in the Watford District, hence the necessity for mentioning



both Acts. The question does not really arise under the Public Health Act 1875 which contains a similar provision to this Sub-Clause, but the Private Street Works Act 1892 does not and the Sub-Clause is inserted in consequence of the decision in *Kingston-on-Thames Corporation v. Baverstock* (73 J.P. 378). The effect of this decision has already been felt in the Ruislip-Northwood District.

(c) A reference to the map will show that substantially the rights of the public are fully protected.

(d) This Sub-Clause will relieve the Council from any expense in connection with new sewers, gas, or waterpipes or electric light mains which may have to be provided in the new street.

### **Appropriation of Lands—Open Spaces.**

(29) The following lands shall be deemed to be set apart for the purpose of this Scheme :—

#### **ALLOTMENTS.**

- (a) The land coloured light grey and numbered 1 on the map for the purpose of allotments : Provided that if the Ruislip-Northwood Council desire to acquire the land they shall proceed under and subject to the provisions of the Small Holdings and Allotments Act, 1908, or any Act amending the same or passed in substitution therefor.

#### **PUBLIC BUILDINGS.**

- (b) The lands coloured dark grey and numbered 2 on the map for the purpose of public buildings.

#### **PUBLIC OPEN SPACES.**

- (c) The lands coloured dark green and numbered in red figures 1 to 16, 5a, 6a, 14a, 18, 19, 22, 23, 25, 25a, 25b, 25c, and 26 to 35 on the map for the purpose of open spaces. The said lands shall, if and when acquired by the Council, be open spaces within the meaning of the Open Spaces Act, 1906, as if acquired under and for the purposes of that Act, and are hereinafter referred to as "public open spaces" : Provided as follows :—

(i) The legal costs and expenses incurred by the owner with reference to the conveyance to the Council of the lands coloured dark green on the map shall be borne and paid by the Council.

(ii) Nothing contained in this Scheme shall prevent the owner of any land coloured dark green on the map from constructing across such land before such land is conveyed to the Council in such positions as shall be previously approved in writing by the Council a new street or new streets communicating with any other adjoining land belonging to such owner. Provided that such new street or new streets when constructed shall be forthwith dedicated to the public.

## PRIVATE OPEN SPACES.

- (d) The lands coloured light green on the map for the purpose of private open spaces and which are hereinafter referred to as "private open spaces."

(a) There is only one such piece of land which is at Ruislip Common near the outfall Sewage works, and is now occupied by a Co-operative Allotment Society under a lease from the Owner. There is however another piece of land, adjoining the recreation ground at Northwood, five acres in extent, which is hatched light grey on the Map. This has been purchased by agreement during the process of preparing the scheme, but had this not been practicable, it was intended in any case to have acquired it compulsorily under the scheme. (b) There are four such sites definitely earmarked for public buildings with the concurrence of the landowners and in accordance with a definite scheme of development put forward by them. It is not suggested or necessarily intended that these buildings should be municipal buildings (see definition of "public building," Clause 1). The site adjoining the Northolt Road is reserved for a Church. It may be noted that Clause 52 gives power to the Council to consent to the erection of public buildings on any part of the area. (c) In order to avoid confusion, the same numbering of the public open spaces has been retained as was in the draft scheme; hence owing to modifications the numbering is not consecutive. The greater part of this land has been definitely set apart for public open spaces under agreements with the various landowners which agreements form part of the Scheme (see Clause 73). The total area of the land referred to in this Clause and coloured dark green on the Map is 106 acres and is in ten different ownerships. Where there are agreements, the conditions under which the land is to be acquired by the Council are as therein stated; it may, however, be said generally, that in addition to the conditions mentioned in the two provisos (i.) and (ii.) which speak for themselves, the Council can claim to have the land conveyed to them, either at certain stated periods or more particularly when certain new streets are constructed bordering on the land or likely to cause building development in proximity to it. It is agreed with the owner of the open space numbered 1, that this land shall be conveyed to the Council within six months after the approval of the Scheme, as it forms a connecting link between the Reservoir and the public open space at Haste Hill. No payment is to be made by the Council at any time for any of these open spaces which as is seen do not pass to them until it is assumed they can be made use of for the benefit of the public; on the other hand an Owner will be entitled to take credit for any of this land set apart in claiming the benefits of clause 13. If the Council desire to acquire certain of the open spaces—which they are only entitled to acquire when certain new streets in connection are constructed—it would be open to them to put in force Clause 16 and themselves construct the necessary roads to fulfil the conditions relating to such roads in connection with such open spaces. (d) There are three pieces of land forming part of the Ruislip Cottagers' Allotments Charity and one piece forming part of the Ruislip Non-Ecclesiastical Charities, which cannot be built upon and are private open spaces, and there are other pieces of land which by agreement have been definitely set apart as such and as to which the Owners are entitled to take credit in claiming the concessions offered in Clause 13. Land which has been already acquired for public open spaces is hatched in dark green on the Map. The "Gravel Pits" at Northwood has an area of 14 acres and was definitely secured as an open space in 1903 by an Agreement between the Parish Council and King's College, Cambridge (the Lords of the Manor). The Recreation Ground (11 acres) and the open space at Haste Hill (23 acres) were secured by purchase during the preparation of the Scheme, but as part of it.



## LAYING OUT PUBLIC OPEN SPACES.

(30) Subject to any special agreement with the vendor or donor relating to the public open spaces or any of them the same shall be maintained by the Council when acquired by them, and may be laid out or used as public pleasure grounds, ornamental grounds, gardens, recreation grounds, or gymnasiums. No buildings shall be erected on such lands other than lodges, bandstands, lavatories, cricket pavilions, refreshment rooms, shelters, sheds, and buildings of a like nature. The Open Spaces Act, 1906, shall be read and construed as if it authorised the use of the said public open spaces and the erection of buildings thereon as mentioned in this clause.

The provision as to buildings which may be erected on public open spaces follows the words of the conditions imposed in regard to grants made by the Middlesex County Council towards the purchase of public open spaces.

## ACQUISITION OF PUBLIC OPEN SPACES.

(31) Any other lands which may be acquired by the Council for the purpose of public open spaces shall be held by the Council subject to the provisions of Clause 30 hereof.

It may be hoped that in course of time as Estates are developed, Owners will be willing to set aside further lands for public open spaces to be maintained by the Council, but the previous clause allows for special agreements being made by vendors or donors as to the use to which any such open spaces are put.

## BUILDINGS ON PRIVATE OPEN SPACES.

(32) No buildings other than buildings of the description contained in Clause 30 hereof or greenhouses shall be erected upon private open spaces.

The addition of greenhouses to the list of buildings permitted on private open spaces provides for the ordinary nursery grounds which are often attached to estates; this concession may sometimes be found a useful one and an encouragement to set aside a definite open space for the purpose. It would of course permit private open spaces to be used for horticultural purposes or market gardens, but there can be little objection to this, if the land is secured for all time as open space.

## MAINTENANCE OF PRIVATE OPEN SPACES.

(33) Private open spaces shall be maintained in good order and when required by the Council shall be fenced by and at the expense of the owner thereof. Provided always that if at any time such private open spaces or the fences thereof become neglected or are a nuisance the Council may, after giving not less than fourteen days' notice of their intention execute any works for the purpose of maintaining the same in good order and keeping the same properly fenced, and any expenses incurred by the Council shall be recoverable by the Council from the owner of such private open spaces under the provisions of Clause 74 of this Scheme.



Provided that, subject to Clause 32, nothing in this Scheme shall prevent the use of any land set apart as a private open space for the purpose of horticulture or agriculture.

Without such a provision as this, private open spaces might in time become derelict, and instead of being an amenity would become a nuisance to the neighbourhood. There will be no reason for laxity in enforcing the clause, as the remedy can be applied by the Council at the expense of the Owner. "Horticulture" and "agriculture" the words used in the proviso are wide terms, but obviously the intention is not to limit in any way the user of a private open space, as long as the character of any necessary buildings is strictly limited.

#### USE OF PRIVATE OPEN SPACES CONVEYED TO THE COUNCIL.

(34) If any private open space is conveyed to the Council without payment therefor the Council may, subject to any conditions under which the land is acquired, make special regulations with reference to any matter affecting the user of any such private open space and particularly limit the right to use the same, and provide for the receipt of rent and the making of other charges for the use thereof, but subject thereto the provisions of the Open Spaces Act, 1906, shall apply to such open spaces.

In course of time when perhaps an Owner may have parted with his interest in all his property except a private open space, he may be desirous of relieving himself of responsibility for the latter and it may be mutually advantageous to him and to the Council to transfer the private open space for the benefit of the public. There may however have been created certain private rights for the benefit of neighbouring owners, or the Council might only be willing to accept the transfer on condition that the land or part of it could be let for, say, tennis-courts or other such purposes, as a means of providing for the cost of up-keep. So long as no payment is made by the Council for any private open space, this clause gives power to regulate and limit its use as a public open space.

#### SETTING APART OPEN SPACES.

(35)—(a) In the event of the owners hereafter setting apart as a private open space any land which is not shown on the map as set apart as a private open space, all the provisions of Clauses 32 to 34 hereof inclusive shall apply to such land as if it were a private open space set apart under Clause 29 hereof.

(b) Where land is set apart by owners under this Scheme for the purpose of a private open space or a public open space an instrument shall be executed under the hands of all the owners setting apart the land; and the land shall be deemed to be so set apart as from the date of the deposit of such instrument with the Clerk to the Council: Provided that no land shall be so set apart as a public open space except by agreement with the Council prior to the execution of the instrument aforesaid.

(a) This merely brings into line any private open spaces set apart in the future; (b) provides for the definite act of setting apart open spaces and is a necessary preliminary to the operation of Clause 13. In many cases, however, the time and manner of setting apart open spaces is specifically dealt with by the various agreements (see Clause 73). It is to

be observed that the deed must be deposited with the Clerk to the Council. Whereas, there is nothing to prevent an Owner setting apart private open spaces voluntarily with or without the concurrence of the Council, if the benefits of Clause 13 are claimed, the Council's approval of the open spaces must be first obtained, as it must also be before any instrument is executed relating to the setting apart of a public open space, the responsibility for the maintenance of which falls upon the Council.

### **Space about Buildings, including Building Lines.**

#### **IN STREETS WHERE BUILDING LINES ARE SHOWN ON MAP.**

(36)—(a) Where a building line is shown upon the map in respect of any existing street or proposed new street no building or erection other than boundary walls or fences shall be erected or set up nearer to the street than such building line.

(b) The Council, by notice in writing to the owner of any building erected since the date of the resolution of the Ruislip-Northwood Council applying to the Board for authority to prepare this Scheme, or in course of erection at the date of the approval of this Scheme, nearer to a street than the building line so shown in respect of the street, may require the owner, within a time specified in the notice not being less than two months, to remove, pull down, or alter the building so far as it is nearer to the street than the said building line.

This and the following clauses relating to space about buildings, deal largely with building lines, and it will have been noticed that in the Order of the Local Government Board approving the Scheme (ante), it is declared that the provisions of these clauses are reasonable having regard to the nature and situation of the land affected and any claim for compensation under these clauses, is, therefore, precluded. (See Sec. 59 (2) of the Act.) The application of the powers given to Local Authorities to fix building lines on existing as well as new streets, without compensation, is very important and may be far-reaching. In cases of future road widenings, it ensures that after the approval of a scheme, no building interests will be created which will increase the cost of widening streets within the building lines fixed, though of course the provision does not affect the ownership of the land between the building line and the street and boundary walls and fences are excepted from the provisions. Had such powers been available and exercised in respect of the main roads throughout the country in the past, the demand for new arterial roads at the present time would be largely non-existent, as there would not be the almost insuperable barrier of cost to prevent effective widenings being carried out. It is hardly necessary to point out that the wording of the clauses does not enforce the erection of every building up to or on the defined line, but requires that no building shall be erected in advance of it. The provisions are in addition to and not in substitution of those in the Public Health (Building in Streets) Act 1888.

(a) Building lines shown in red dotted lines and with figured dimensions fixing the distance back from the boundary of the road will be found on the Map in respect of the principal roads existing in the district at the date of the approval of the Scheme. These building lines vary from seven feet at the least to thirty-five feet at the most and they have been fixed with due regard to the present width and importance of the roads and the probable requirements of future road widenings, as well as to secure open and wide channels of air with an opportunity of planting avenues of trees so as not to interfere with the buildings lining the roads and to obtain generally pleasing thoroughfares. An important feature



to be observed is that the building lines in many cases pass through existing buildings, so that if and when any such buildings are pulled down, they cannot be re-erected without setting back to the new lines. Many of the old roads are very irregular in regard to their width, but speaking generally, no attempt has been made to adjust the building lines to these variations, the distances back being fixed by measurement from the boundary of the street and in no case from the centre of the road. It is true that this will have the effect of perpetuating the irregularity of the street, but it is an open question whether, if definite provisions have to be made, this is not preferable to attempting to secure uniformity of width with a probable loss of interest in a street; besides which the advantage of many of the pleasant wide grass strips and "lay-bys" at present existing would be lost. "Except as hereinafter provided" should be read into this clause, for whereas the building lines fixed for shops or business premises, in existing streets are absolute (*vide* Clause 40), in other cases certain projections beyond the fixed building line are permissible under certain conditions (*vide* Clauses 38, 39, 41—44).

(b) Although the application of this provision will fortunately be strictly limited, the sub-clause ought to prove of the greatest interest to all Owners and Local Authorities. The importance of the actual date of a resolution to apply to the Local Government Board for authority to prepare a scheme is dealt with more fully under the Act (Sec. 58 (2)). Power is here specifically given to the Council to require the removal of any building erected since the date above referred to, if it contravenes the provisions in the Scheme relating to the building lines on existing streets as shewn on the Map. This is the only provision which it has been necessary to insert in the Scheme to deal with specific cases falling within Sec. 58 (2) of the Act, but the principle would seem to be applicable to any other matter dealt with by a Scheme besides building lines. From the point of view of Local Authorities it is a valuable example of what can be done to safeguard the ultimate provisions of a Scheme from violation during the time occupied in preparing it; it carries also a serious warning to Owners and Builders not to disregard the intended provisions of a Scheme.

#### IN STREETS WHERE NO BUILDING LINES ARE SHOWN ON THE MAP.

(37) Subject to the building lines shown on the map, no building or erection other than boundary walls or fences shall be erected or set up nearer to the centre of any street than 30 feet or nearer to the boundary of such street than 15 feet: Provided that in the case of streets giving access to dwelling-houses erected round a quadrangle or other open space as described in Clause 14 hereof, the provisions of this clause shall not apply if there shall be an open space of not less than 60 feet in depth throughout the entire frontage of every such dwelling-house: Provided also that the provisions of this clause shall not apply to the erection of public buildings on a site surrounded by a street or streets if not more than three such buildings are to be erected on the site.

The width of new streets permitted by the Scheme or required by the Bye-laws and the building lines in connection are as follows, viz. :—

In streets of a width of		7ft. building line	26 ft. 6 in. back.
"	"	20 ft.	" 20 ft. 0 in. "
"	"	24 ft.	" 18 ft. 0 in. "
"	"	30 ft.	" 15 ft. 0 in. "
"	"	40 ft. & over	" 15 ft. 0 in. "



Projections beyond these building lines are only permitted under certain conditions referred to in subsequent clauses.

In the first case however there is no fixed building line on streets 7 feet in width, if buildings are erected on one side only and the open space in front of them is at least 60 feet in depth.

The second proviso deals with what are commonly known as "island sites," that is to say, sites surrounded by streets; there are a few such sites shewn on the map where the road divides and passes on each side of a site, but the dispensation is only given in respect of public buildings (see definition clauses). There is nothing to limit the width, length, or size of such a site.

#### SAVING IN CASE OF LODGES.

(38) A lodge or other similar building appurtenant to a dwelling-house may be built in advance of a building line prescribed by Clause 36 or Clause 37 subject to the following conditions: (a) such lodge or other similar building shall not exceed two storeys in height, one of which storeys shall be constructed wholly or partly in the roof; (b) such lodge or similar building shall not in any case be nearer than 10 feet to the boundary of the street.

It would probably be felt a hardship in cases where the building line is fixed so far back as 25 ft. or 35 ft. that it should not be possible to build an entrance lodge closer to the road but although the exception in this Clause is limited to buildings having a certain definite purpose, this latitude in favour of Owners does to some extent stultify one of the objects sought by the fixing of building lines on existing roads, *i.e.*, the means of widening such roads in the future without having to pay compensation for buildings. On the other hand, it is to be presumed that any such building would not of itself have great value and a lodge is only likely to be required in cases where a good deal of land is attached to a house. "Other similar buildings appurtenant to a dwelling house" may lead to some differences of opinion. What is a building similar to a lodge or appurtenant to a dwelling house? The determination of this question can only be settled on the facts as a case may arise. It might have prevented unfair advantage being taken, had the clause stipulated that it only applied to such buildings covering an area not greater than a specified extent and appurtenant to a dwelling house having a curtilage of not less than a certain area. The height of the buildings is restricted in (a), and in (b) a minimum distance back from the road is required.

#### SAVING IN CASE OF LONG FRONTAGES.

(39) Any owner or owners of land acting in combination and having together a continuous frontage to one street of not less than 300 feet may erect buildings in advance of a building line prescribed by Clause 36 or Clause 37 subject to the following conditions, namely: (a) no part of such buildings shall project more than seven feet in advance of the building line or be nearer to the boundary of a street than eight feet; (b) the projections of such buildings shall not, taken together, exceed one-fourth of the total length of the frontage of such buildings; (c) the projections of such buildings shall not be in any case nearer than the extreme amount of such projection to the boundary of any adjoining lands.

This Clause is a compromise of various conflicting opinions. On the one hand it is held to be undesirable to fix too rigid and definite building lines as being liable to prevent the free play of artistic composition of street frontages and thus to lose the opportunities of that satisfactory grouping of buildings, which might make even a long straight road interesting by breaking it up into various complete architectural parts. A good deal of sympathy must be expressed for this view, but on the other hand, one has to legislate principally not for the person who voluntarily does the right thing, but for him who, unless checked, does the wrong thing. Perhaps the really satisfactory method of dealing with projections beyond the building lines would be to give discretion to a Local Authority to consent to projections or not on their merits. Such a wide discretion, however is open to abuse, especially by small Local Authorities. The Clause applies to all kinds of buildings, except shops (see Clause 40) and to all streets, including existing streets on which fixed building lines are shewn on the Map. So far as the latter are concerned the criticism applied to the last Clause has equal force here. If an Owner has a continuous frontage to one street of 300 feet it is clear that he can claim the benefit of this Clause, but there are no apparent means by which the whole of the frontage up to 300 feet can be earmarked, though it is obviously the intention of the Clause that an Owner can only claim the benefit of it when he intends to carry out a complete Scheme either by himself or in conjunction with other Owners shewing a development extending to at least 300 feet of frontage. (a) A projection of seven feet is the maximum permitted and in normal cases of a 15 feet building line it would not be nearer than 8 feet to the boundary of the street. (b) It is the frontage of the actual buildings here referred to, not of the land occupied with them. (c) With the full advantage taken of the clause the end portions of a block could not project to the full extent unless they were kept 7 feet away from the boundary. "Adjoining lands" means land not forming part of the curtilage of the buildings, even though belonging to the same Owner.

#### SHOPS AND BUSINESS PREMISES.

(40)—(a) Notwithstanding the provisions of Clauses 37 and 39, the provisions in this sub-clause shall prevail and have effect in the case of shops and business premises in any street in respect of which a building line is not shown on the map:—

In any street having a width not exceeding 40 feet no building or erection consisting of a shop or business premises shall be erected or set up within 13 feet of the boundary of such street.

In any street having a width exceeding 40 feet but not exceeding 50 feet no building or erection consisting of a shop or business premises shall be erected or set up within 12 feet of the boundary of such street.

In any street having a width exceeding 50 feet no building or erection consisting of a shop or business premises shall be erected or set up within 9 feet of the boundary of such street.

#### SHOPS NOT TO BE FENCED OR OBSTRUCTED.

(b) No post, rail, fence, or other obstruction shall be erected in front of any shop or business premises in advance of the building lines fixed by Clause 36, Clause 37, Clause 39, or this Clause. Provided always that nothing herein



contained shall prevent the construction in connection with any shop or business premises of cellar flaps which when closed are level with the surface of the footway, but such cellar flaps shall not project more than three feet in advance of such shop.

(a) The first part makes it clear that in respect of shops and business premises ; (1) the building lines fixed for existing streets as shewn on the Map are absolute ; (2) the other building lines generally as fixed by Clause 37 do not apply and (3) the concessions permitted by Clause 39, in the case of long frontages cannot be claimed. The principle adopted is that the wider the street the less the distance required between the boundary of the street and the buildings. A little consideration will shew this to be reasonable in the case of shops, though for other classes of building the same arguments would not apply. As the width of the footway generally increases with the width of the street it would be prejudicial to shop trade if the width of the forecourt were proportionately further increased. The usual combined width of the pavement and forecourt in front of shops and business premises under this Clause would be, for streets 40 feet wide 21 feet, for streets 50 feet wide 22 feet, and for streets 60 feet wide 21 feet. These widths would not be so great where the provisions of Clause 11 operate, but the diminution in that case would be at the expense of the footway and not of the forecourt. (b) The reference to Clauses 37 and 39 seems superfluous, as neither apply to shops and business premises. One of the effects of this provision is that to all intents and purposes the forecourt of a shop becomes part of the footway and it seems hard to believe that after a time, at any rate, it will not automatically become dedicated to the public. It may be thought that this is an injustice to an Owner, but even so, it is no practical hardship for is it not the desire of every shopkeeper to attract the public to his window ? It secures, at any rate, that if he cannot keep people from approach to his shop window, neither can his neighbour and without such a restriction as this, one shop with posts and rails in front might interfere with the trade of a row. "Obstruction" means something of the nature of a permanent structure and not movable goods which are dealt with under a later Clause (Sec. 63). There is no reference anywhere to any requirement in respect of the construction, surface or level of forecourts ; but the probability of the forecourts being raised above the level of the public footway is not so great under a Town Planning Scheme, such as this, where the use of buildings for trade purposes is permanently settled, as in the many examples to be seen in London and other towns, due to the conversion of private houses into shops, with the level of the floors constructed without regard to their ultimate purpose.

#### BUILDINGS ON CORNER SITES.

(41) Notwithstanding any building line prescribed by this Scheme, in the case of the erection of new buildings upon corner sites abutting on two or more streets, such buildings may extend to 5 feet from the boundary of one of such streets. Provided always that nothing in this clause shall permit any building without the consent in writing of the Council to extend beyond the building lines in existing streets which are shown upon the map.

This is a saving Clause for corner buildings. There is no question to be settled such as which of two streets a building fronts, as under Clauses 36 and 37, no building may be nearer than a certain distance to any street, so that, but for this Clause, buildings at a corner would have to conform with two building lines. It is solely for the Owner to determine to which building line he will build, but instead of as heretofore being able to build the flank

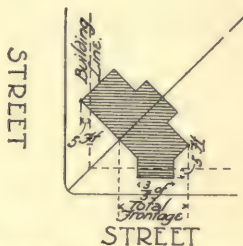


wall up to the boundary of one street, he must keep back 5 feet at the least. In the case of a building line shewn on the map, it is this line however which has to be kept, unless the consent in writing of the Council is obtained to allow the building to project, in which case, of course, the building line in the other street has to be maintained.

### PROJECTIONS ON CORNER SITES.

(42) In the case of a building or buildings on a site abutting on two or more streets and built at an angle to either of such streets the external angles of the building or buildings may project 5 feet in advance of the building lines. Provided that such projections taken together do not exceed in any one building three-fifths of the total frontage of such building to either of such streets.

The diagram explains the meaning of this Clause, which is probably not of very general application. The Clause applies equally to existing streets where a building line is shewn on the Map.



TWO BUILDINGS ON A CORNER SITE.



ONE BUILDING ON A CORNER SITE.

### PROJECTION OF BAY WINDOWS, PORTICOES, &c.

(43) In streets not exceeding 40 feet in width, bay windows, chimneys and porticoes may project 4 feet in advance of the building line, and in streets exceeding 40 feet in width bay windows, chimneys and porticoes may project 5 feet in advance of the building line. Provided that such projections taken together do not in any one building exceed three-fifths of the total width of such building and are not in any case nearer to the boundary of lands belonging to any other owner than the extreme amount of such projections.

This is the only provision which deals generally with projections in front of the building lines. The right to build projections, is limited to definite features, viz. :—bay windows, chimneys and porticoes, and the width of such projections is regulated by relation to the width of the buildings to which they belong ; and their projection, besides being dependent upon the width of the street in which the buildings are situate, is also limited by relation to their propinquity to adjoining lands, in this case, if belonging to another Owner. Strictly speaking, there should be no architectural projection beyond the building line which does not fall within the meaning of this Clause, but it can hardly be intended that the projection of such ordinary features as cornices, eaves and barge boards should be forbidden.

#### CERTAIN PUBLIC BUILDINGS.

(44) Where for the purpose of architectural effect any owner desires to erect or bring forward a public building, other than a hospital, workhouse, college or school, in advance of the building line prescribed by this Scheme, he may apply to the Council for consent to do so, and the Council may give such consent upon such conditions as they may think fit.

Provided always that the Council before giving such consent shall give notice in writing of such application to all persons who in the opinion of the Council may be affected by the giving or withholding of such consent and shall consider all objections which shall be addressed to the Council by any such person or persons within such time, not being less than seven days, as shall be fixed by such notice.

See definition (Clause 1) of "public building." The Council sit in judgment as to what constitutes "architectural effect" and there is no appeal from their refusal to be convinced or from any conditions which may be imposed, if they consent to an application under this Clause. Whereas an application can be made only on account of intended architectural effect, the Council is not bound to judge solely the merits of the scheme proposed, indeed it is probable that many other considerations will weigh. The proviso follows a form which is adopted in London in regard to applications for approval of projections and ensures the Council taking into consideration any serious objections to a proposal which may be obvious to neighbouring residents and which might not otherwise occur to the Council.

#### PROPORTION OF AREA OF SITE WHICH MAY BE COVERED BY SHOPS AND OTHER BUILDINGS.

(45) The proportion of land within the curtilage of the site of a shop, including a dwelling-house forming part thereof, hospital, workhouse, college, school (not being merely a dwelling-house so used), building of the warehouse class or domestic building not being a dwelling-house which may be occupied by buildings shall not exceed one-half of the whole area of the curtilage : Provided that, subject to the bye-laws for the time being in force with respect to open space in front or in rear of buildings in the case of a shop the extent of the buildings shall be measured at a level of 14 feet above the mean level of the footway in front thereof.



A close relationship to Clause 49, which limits the number of buildings to the acre, exists with this and the following Clauses. "Curtilage," it is assumed (for there is no definition) is a well understood term expressing the whole of the land which "goes with," belongs to, surrounds or is appurtenant to a building; it obviously does not include land over which tenants of other buildings exercise rights or privileges nor land which though perhaps belonging is separated by a street or some other land. It would be a breach of the Scheme, if any land originally forming part of the curtilage of a building and which was necessary to it in order to obtain the proper proportion of open space to buildings, were subsequently separated and built upon. Except dwelling houses, which are dealt with in the next Clause, and certain public buildings, all classes of buildings are subject to the provisions of this Clause. Large yards to shops are unnecessary and the proviso therefore allows the ground storeys of such buildings to be erected to the full extent permitted by the Bye-laws, and the area which may not be built upon is measured at a level of 14 feet above the level of the footway, thus allowing a reasonable height for the ground storey and any necessary lantern lights. Subject to this, all other buildings covered by the Clause are only allowed to cover one half of the area of the land belonging to them.

#### PROPORTION OF AREA OF SITE COVERED BY DWELLING-HOUSES.

(46) The proportion of land within the curtilage of the site of a dwelling-house which may be occupied by buildings shall not exceed one-third of the whole area of the curtilage where such buildings are erected on land having a frontage to more than one street or where such buildings are dwelling-houses not exceeding one storey in height and one storey in the roof with offices and out-buildings attached thereto or used in connection therewith: Provided that, on the application of owners of land forming the curtilage of the sites of four separate dwelling-houses adjoining and having together a frontage to more than one street, the proportion of land which may be occupied by buildings shall be reckoned as an average over the area of the curtilages of such four sites. In all other cases of dwelling-houses such proportion of land shall not exceed one-fourth.

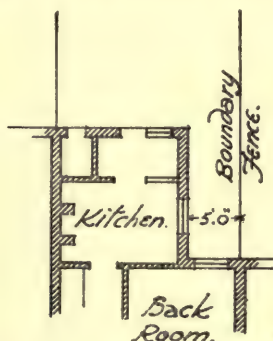
The proportion of land belonging to a dwelling house which must be unbuilt upon is greater than for other buildings under the last Clause and in normal cases it is three times the extent of the area covered by buildings, *i.e.*, one-fourth building, three-fourths unbuilt upon land. For note on "curtilage," see preceding Clause. Two-storey dwelling houses, one of the storeys being in the roof, and houses on corner sites are permitted to cover one-third of the land belonging to them. The latter is not only a concession to the admitted difficulty of dealing with corner sites but as a fact such sites have naturally free access for light and air and it is this latter advantage which accounts for the inclusion of buildings of the bungalow type in the same category. The proviso allows even greater latitude to corner sites; if the Owners of land desire it, they may average the whole of the land belonging to as many as four adjoining houses fronting two streets and provided that for the four houses a greater proportion than one-third of the whole land is not occupied by buildings, the remainder can be apportioned among the houses in any way found convenient. The term "corner site," is not to be found in the Clause, the expression being "land having a frontage to more than one street." Though the concessions allowed might be claimed in respect of sites other than at the corner of two streets, it is obvious that in practice it is the latter which are chiefly intended to benefit.



## AIR SPACE TO HABITABLE ROOMS.

(47) Every habitable room shall have one window, at the least, opening directly into the external air, and the total area of such window, or if there be more than one, of the several windows, clear of the sash frames, shall be equal at the least to one-tenth of the floor area of such room. Such window or windows shall have an open space in front thereof and within the curtilage of the building of which such habitable room forms part not less across, measured at right angles to such window or windows, than five feet, and such open space shall extend throughout the full width of such window or windows and shall be free from any erection or building of a height extending above the level of the sill of such window or windows. No building shall be erected within such curtilage and opposite to any part of such window or windows the height whereof, measured from the level of the sill of the window, exceeds the distance between such building and such window or windows. Provided that it shall not be necessary for such open space to be provided within the curtilage of the building of which such habitable room forms part, if such window or windows have an open space in front thereof which is secured permanently to the satisfaction of the Council by covenant or otherwise.

The first paragraph is a restatement of part of Bye-law No. 60, with respect to new buildings in the Ruislip-Northwood Urban District. For the remainder of the Clause compare London Building Act 1894, Sec. 45. Where a habitable room has windows in more than one of its sides, it is of course sufficient if one of such windows has the required open space in front of it, provided that the particular window complies in size with the requirements stated. The Clause may have an important application in connection with the ordinary back addition to a house, where if there is a habitable room with its only window in the flank, the space across to the boundary fence must be at least 5 feet, and it

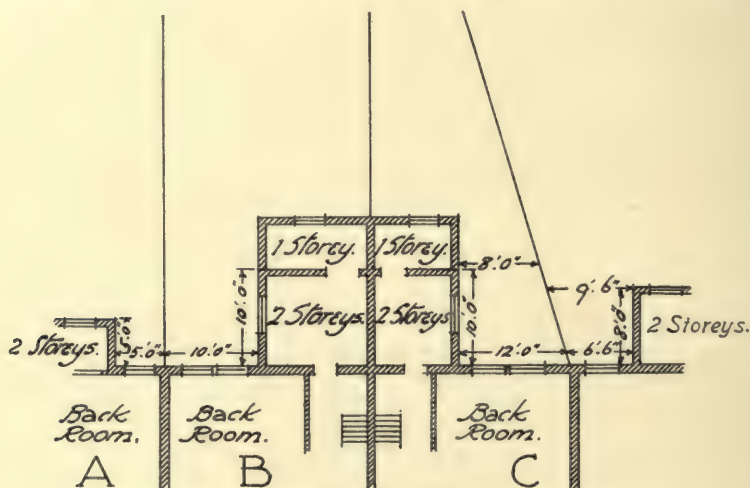


must be free of any erection or building above the level of the window sill; thus it would not be permissible to have anything in the nature of a greenhouse, workshop, or bicycle shed in the open space within 5 feet of the window. In other respects the restrictions as to the height of buildings opposite windows in habitable rooms are chiefly applicable where there are internal courts or areas as it is to be noted the provision only operates in the case of such buildings erected within the same curtilage, that is to say, there is no power

here given to prevent a neighbour's building intertering with the light and air of a window in an adjoining house. So far as this part of the Clause applies, it requires that there shall be an uninterrupted angle of light of 45 degrees measured from the sill of the window.

The proviso takes into consideration houses abutting on common gardens or open spaces and possibly on to streets.

(48) There shall not be constructed in connection with a domestic building any addition or wing which shall exceed one storey in height and which shall project beyond the face of any wall in which there may be a window or windows to a habitable room in such building and where such window or windows form the principal means of lighting and ventilating such habitable room in accordance with the provisions of this Scheme or the byelaws, unless there shall be in front of such window or windows an open space having a width, measured from the side of such addition or wing to the boundary of the curtilage opposite thereto, equal at least to the projection of such addition or wing. In the case of an irregular open space, the width thereof shall be the mean distance between the side of such addition or wing and the boundary of the curtilage opposite thereto. Provided that if the boundary of the curtilage opposite to such addition or wing abuts upon a street or a public or private open space secured under the provisions of this Scheme the provisions of this clause shall not apply.



This is another Clause obviously aimed chiefly at the objectionable back-addition or wing building which is often seen protruding to such an extent as to create dark and airless three sided courts and, in consequence, gloomy and unhealthy back rooms. It does not touch such additions or wings if they are of one-storey only, nor the case of rooms where there may be other windows complying with the other Clauses of the Scheme and the Bye-laws, and which are not affected by such additions or wings. Where, however, as is usual with the small type of house, there is only one window to the principal back room the extent of the projection of a two—or more—storeyed wing building is limited by the width of the open space in front of that window.

Power is given to adjust the measurements in the case of an irregular open space (see diagram C.) and the proviso exempts particular cases which are satisfactorily provided for in certain other ways.

### **Limitation of Number of Buildings to the Acre.**

#### **LIMITATION OF NUMBER OF BUILDINGS AND CALCULATION OF LANDS.**

(49)—(a) For the purpose of this clause the expression “ land ” shall be deemed to include all land other than that on which pursuant to the provisions of this Scheme an owner is precluded from erecting buildings other than shops or business premises or on which he is authorised to erect shops or business premises or buildings of the warehouse class and has by notice in writing to the Council indicated his determination to erect shops or business premises or buildings of the warehouse class.

(b) All land which belonged to the same owner on the 16th day of January, 1911, and which is comprised within any one of the squares marked in red lines on the map and in the same restricted area (as hereinafter defined) shall form a “ land unit.”

Provided that where land which is comprised in any such square adjoins or is a continuous part of other land belonging to the same owner on the 16th day of January, 1911, in the same restricted area but comprised in some other square or squares, then—

- (1) If the area of such lands does not exceed five acres they shall together form one land unit ;
- (2) If the area of such lands exceeds five acres the Council shall, on the application of the owner or owners for the time being, vary the land units as above defined by combining the whole or parts of two or more such land units to form one land unit, but so that no land unit shall be formed to comprise more than seven acres.

(c) There shall not be built on each land unit within a restricted area edged with yellow on the map on the average a greater number of buildings to the acre than four or on each land unit within a restricted area edged with orange on the map a similar greater average number than six or on each land unit within a restricted area edged with medium green on the map a similar greater average number than eight or on each land unit within a restricted area edged with blue on the map a similar greater average number than twelve.

In reckoning the number of buildings which may be erected on a land unit the area of all roads or parts of roads constructed or to be constructed on or across the land unit, including any existing road dedicated to the public on or across the land unit and one-half of any such existing road adjoining the boundary of the land unit, shall be part of the land unit.



Provided that nothing in this sub-clause contained shall be deemed to prevent the erection of one building on any land unit.

(d) On no single acre of land within a land unit shall more than twenty buildings be erected. The site of any road shall not be included in the measurement of the acre for the purpose of this sub-clause.

(e) Where land is set apart to the approval of the Council in manner provided by this Scheme for the purpose of a public open space or private open space then, subject to sub-clause (d) of this clause, the number of buildings which an owner might have erected on the land so set apart in any land unit on the basis fixed by sub-clause (c) of this clause (1) may be added to the number which may on the same basis be erected on the remaining portion or portions (if any) of the land unit or (2) may be added, in manner to be approved by the Council, to the number which may be erected on any land unit or land units belonging to the same owner (or, by agreement, belonging to different owners) and in the same restricted area.

(f) Where in consequence of any adjustment of boundaries of any estate or lands under clause 27 of this Scheme, or by reason of change of ownership of any lands, or on any other ground it appears to the Council on the application of the owner or owners to be desirable to vary any land unit formed under this Scheme, or to combine or vary any two or more land units for the purpose of securing a better mode of laying out or development of lands, the Council may make an order varying or combining such land units accordingly. Provided that no land unit shall be formed to comprise more than seven acres.

(g) For the purpose of this clause one building shall be deemed to include stabling, motor houses, lodges, and usual outbuildings within the curtilage of, and used in connection with, any one dwelling-house. Provided that any dwelling-house adapted for occupation by more than two and not exceeding four families shall be reckoned as two buildings, and by more than four families as three buildings.

(h) The Council shall keep a map showing all land units and shall indicate thereon all alterations of land units made from time to time, and shall keep a register of all alterations so made ; and such map and register shall be open to inspection at all reasonable times by all persons interested.

(i) If any difference arises between the Council and any owner as to the boundaries of any land unit under this clause, or as to a proposal for varying any land unit or for combining any land units, or as to the number of houses to be erected on any land unit or portion thereof, the difference may on the application of the Council or the owner be determined by the Board, and on such application the Board may make such order or give such direction as appears to them to be equitable, and their decision shall be final.

This Clause is difficult to understand without careful study. The basis of it is, firstly, the fixing of a standard of area (termed a "land unit") for computing the number of buildings which it is permitted to erect and secondly, the allocation of areas, restricted in regard to number of buildings, in various parts of the District. There are, therefore, two points to be first ascertained, (1) what is the "land unit" and (2) in what restricted area is the land situate—

(a) It will be seen in Clause 52, that on certain areas no buildings but shops and business premises may be erected and that only on certain other areas may shops, business premises and warehouses be erected. There is no limitation of the number of buildings erected for purposes of shops, business premises, or buildings of the warehouse class, but an Owner must be careful, in the case of the optional areas, to give notice of his determination to erect shops and not private dwelling houses, otherwise the exemption hereby given will not apply.

(b) The red lines marked on the Map from north to south and east to west divide the whole area into squares of five acres: 16th January, 1911, is the date of the resolution of the Council applying for authority to prepare the scheme and an independent map and reference show all the separate ownerships at that date (for definition of Owner, see Public Health Act 1875). Always bearing in mind that the calculation of a land unit is dependant upon the ownership of land at this date, a land unit can be one of the following, viz. :—

- (1) Land belonging to one Owner if within one square
- (2) Land belonging to one Owner in more than one square, and not exceeding five acres in extent.
- (3) Land belonging to one Owner in more than one square, exceeding five, but not exceeding seven acres in extent, subject to an application being made to the Council to vary the fixed land unit. The land unit may therefore, vary in size from the smallest conceivable plot of building land to any area up to seven acres, but the same land unit cannot extend into more than one restricted area.

(c) Whatever the size of the land unit, one building at least may be erected upon it. There are four different restricted areas shewn on the Map and edged with different colours, viz. : (1) yellow, restricted to four buildings to the acre. (2) orange, restricted to six buildings to the acre; (3) medium green, restricted to eight buildings to the acre, and (4) blue, restricted to twelve buildings to the acre. On each land unit within these four restricted areas, the above mentioned respective limitations apply, but the number of buildings quoted is the *average* per acre, that is to say, it is not that only so many buildings may be erected on each acre, but that that average number per acre may be erected on the land comprising the unit. Roads are included in the measurements of a land unit, but only half of any existing road which adjoins the boundary of a land unit.

(d) This is, of course, a maximum, which it is necessary to provide for, having regard to the latitude offered by the average clause last described. It applies to any of the restricted areas. Clause 46 should be considered as possibly modifying this provision in some cases and the Bye-laws in regard to open spaces must of course be complied with.

(e) The important part of this concession to Owners is the last part, where, if approved by the Council, and with a right of appeal against the Council (see Sub-Clause (i.)), an additional number of buildings may be erected on one or more land units within the same restricted area in consideration of land being set aside for public or private open spaces. To give an example :—An Owner laying out an estate may be willing to provide a recreation ground of 5 or 10 acres, and he may be encouraged to do so if he is enabled, by arrangement with the Council, to increase the number of buildings on the remainder of his land beyond what he would otherwise be entitled to erect.



(f) This is perhaps the widest discretionary power which the Scheme anywhere gives to the Council and though obviously the suggestion of the Sub-Clause is derived from a possible variation of a land unit under Clause 27, over which an Owner might have no control, the reasons for which a land unit may be varied are as wide as they could be, viz., "on any other ground." It will, doubtless, often be found desirable to vary the fixed units to suit the requirements of considered plans of development, or whenever an Owner sells a portion of his land, and there should be no hesitation on the part of an Owner or Owners in combination in laying proposals before the Council. Any decision of the Council in such cases may be appealed against (see Sub-Clause (i.)). No increase of the maximum size of a land unit is permitted, nor can any variation be made except upon the application of an Owner.

(g) What is to be reckoned as a building in computing the limitation of number is here defined.

(h) The Map will shew the Ownership as existing on the 16th January, 1911, of all land within the area and any person interested will be able to ascertain therefrom the land comprised in the various units, whether these be the original units fixed by the Scheme, or units subsequently or from time to time varied and adjusted under the provisions of this Clause. Too much stress cannot be laid upon the importance to Owners about to develop or sell and to persons about to purchase land, of ascertaining of what the land units consist, so that an early application may be made to the Council for adjustment where desirable, and before any transfer of land takes place or building is commenced.

(i) It will be noticed that not only appeals but all differences under this Clause are dealt with by the Local Government Board alone, and not, as in certain other cases by a Petty Sessional Court.

## Height of Buildings.

### LIMIT OF HEIGHT OF BUILDINGS.

(50)—(a) No building (not being a public building or a building of the warehouse class) shall be erected of, or be subsequently increased to, a greater height than sixty feet exclusive of two storeys in the roof and of chimneys, ornamental towers, turrets, or other architectural features.

(b) No building (not being a public building or a building of the warehouse class) shall be erected of or be subsequently increased to a greater height, measured from the level of the street in front thereof to the eaves or parapet or to half the height of the gable whichever is the higher, than the distance from the main front wall of such building to the opposite boundary of the street in front thereof.

Public buildings and buildings of the warehouse class (see definitions Clause 1) are exempt from restriction in regard to height. Sixty feet and two storeys in the roof even in the case of other buildings can hardly be called restrictive in such a District as this, neither can the restriction in Sub-Clause (b) be said to be onerous, as with a minimum building line of 30 feet from the centre of the street, a building could be erected in the narrowest street to a height of 40 feet. It is true that the following Clause places greater restrictions in certain cases, but it is no doubt a fact that the need for restrictions on height is not marked in this District, though it is probable that in other Districts, especially industrial and where the tenement system prevails, some much more stringent provisions would be desirable.



## STOREYS IN DOMESTIC BUILDINGS.

(51) No domestic building (other than flats or sets of chambers) erected in a restricted area edged with blue on the map shall contain more than two storeys, exclusive of any storey constructed wholly or partly in the roof and exclusive of any storey the ceiling of which is below the mean level of the centre of the street in front of such building. Provided that, where it may be desired in the case of a group of dwelling-houses adjoining, and not exceeding six in number, to maintain the height of all the dwelling-houses forming such a group at the same level, not more than four of such dwelling-houses may, where the slope of the street in front thereof renders it necessary, contain three storeys exclusive of any storey constructed wholly or partly in the roof.

Even under this Clause, which relates solely to domestic buildings (see definition Clause 1), flats or sets of chambers are exempt, but as suggested in the previous notes, were tenement buildings popular, the Clause could with advantage be strengthened. The Clause does not apply to areas where the limitation of buildings is less than twelve to the acre and generally speaking, it is not likely to adversely affect any building project. The proviso is a concession to architectural effect, to avoid a constantly changing ridge line of roofs where groups of houses may be built facing a sloping street.

**Character of Buildings.**

## RESTRICTION OF CLASS OF BUILDINGS.

(52) No "building of the warehouse class" shall be erected except on the areas coloured purple on the map.

No building constructed for the purpose of, or adapted to be used as, a shop, business premises, or for any trade, shall be erected, and no building shall be altered or converted for use or used as a shop, business premises, or for any trade, except on the areas coloured purple, edged purple and single hatched with purple lines, and edged purple and cross hatched with purple lines.

No buildings, except those erected for the purpose of, or adapted to be used as, shops or business premises with stabling, motor-houses and outbuildings to be used in connection or appurtenant thereto, shall be erected on the areas edged purple and single hatched with purple lines.

No buildings, except private or professional dwelling-houses with any necessary stabling, motor-houses and outbuildings to be used in connection or appurtenant thereto, shall be erected on the remaining portion of the area. Provided that the Council may, on the application of the owner, consent to the occupier of a dwelling-house and the members of his family carrying on a handicraft therein and selling thereon the products of such handicraft; but no such products or materials used in connection with the handicraft shall be exposed in the windows of such dwelling-house, nor shall there be any show of any trade or business being carried on in the

dwelling-house or any notice board or advertisement affixed to such dwelling-house except that a name plate indicating the nature of the trade, business or handicraft carried on may be affixed to the door of the dwelling-house.

Provided also that with the consent of the Council there may be erected such public buildings on any part of the area as the Council may approve, subject to such conditions as the Council may think fit to impose.

Provided also that nothing in this clause contained shall be deemed to prevent the erection upon any lands in the area, so long as such lands are used for the purpose of agriculture or horticulture only, of buildings to be used for agricultural or horticultural purposes only which would, but for this proviso, be in contravention of this Scheme.

There are four principal areas of land.

- (1) Uncoloured. *Restricted to private dwelling houses.*
- (2) Edged purple and single hatched with purple lines. *Restricted to shops and business premises.*
- (3) Edged purple and cross hatched with purple lines. *Restricted to private dwelling-houses or shops and business premises.*
- (4) Purple. Unrestricted.

As "professional" dwelling-houses may also be erected on land otherwise restricted to "private" dwelling houses, the former may be erected in any part of the area as it is presumed that they are also included in the term "business premises." Stabling, motor houses or outbuildings to be used in connection with either private dwelling houses or business premises may be erected in the respective restricted areas. Agricultural or horticultural buildings erected on land used for the purpose of agriculture and horticulture are exempt throughout the area and public buildings (see definition Clause 1) can be erected on any part of the area with the consent of the Council, but subject to such conditions as the Council may think fit to impose. In the agreement relating to land belonging King's College, Cambridge (see Clause 73), it is provided that 8 "private schools" may be erected in Park Wood, 4 in Copse Wood and 6 on land belonging to them south of the Metropolitan Railway. Other schools, where they fall within the definition of "public buildings" can only be built with the consent of the Council.

It is to be observed that this, the principal provision dealing with "character," is very limited and only differentiates between three classes of buildings generally, viz:—Dwelling houses, Shops and Factories. Primarily, this is a residential district and the chief aim has been to secure the amenity of the residential population, but even so, there are no restrictions within the areas prescribed for private dwelling houses, in respect of either their size, rental value or cost. To some extent this will no doubt right itself in conjunction with the restrictions in regard to the number of buildings to the acre (Clause 49), i.e., it may be assumed that the smaller class of house will be built where the limit is highest (12 to the acre) and the larger class where it is lowest (4 to the acre). With large unbuilt upon areas of land, it might be unwise to impose more definite restrictions, as it is impossible—even if desirable—to lay down, without a complete plan of development, the exact areas for cottages, villas and large houses. Where, however, building is already proceeding, it might well be that some reasonable method should be adopted which would provide a schedule of grades of dwelling houses, though this would probably have to be worked out in comparatively small blocks of land and in co-operation with the landowners.



## HEIGHT OF WINDOWS IN HABITABLE ROOMS.

(53) Every habitable room not being constructed or adapted to be used solely as a bedroom shall have one window at the least which shall extend to a height of not less than seven feet above the floor of such room and every habitable room constructed or adapted to be used as a bedroom and not being on the lowest floor of a dwelling-house shall have one window at the least which shall extend to a height of not less than six feet three inches above the floor of such room ; such windows shall be constructed so that one-half at least may be opened and so that the opening may extend in every case to the top of the window.

The object here sought is to provide for ventilation at the upper part of a room and the heights of windows are obviously prescribed in relation to the minimum height of rooms required by the Bye-laws, viz. : 8 ft. To have stated the maximum space between the top of the window and the ceiling would presumably have better attained the object, but this might be considered too great a limitation on architectural freedom in the case of rooms more than 8 ft. high. As far as it goes however, the Clause can scarcely be objected to.

## SIZE OF LIVING ROOMS AND BEDROOMS.

(54) No bedroom or other habitable room which shall be constructed in connection with any dwelling-house shall contain less than 500 cubic feet.

Considerable difference of opinion will be found to exist as to the figures in this and the next Clause and it may be thought that to define the cubical contents without also prescribing minimum superficial dimensions is useless. On the other hand it is cubic space which is most important and to insist upon a minimum floor area for, say, a third bedroom in a cottage, might prejudicially affect the sizes of the other two rooms and prove a disadvantage in some cases, besides which even to define the floor area without also fixing a minimum dimension might not always meet the objection.

There is nothing in the scheme which regulates the number of persons who may be permitted to occupy a room or the cubic space to be provided for each person—nothing, in fact, to assist the prevention of overcrowding. It has been said that this subject is not within the scope of a Scheme ; the promoters of this Scheme have accepted this view very reluctantly, while hoping that some means may hereafter be found for making regulations within the four corners of the Act.

## MINIMUM NUMBER AND SIZE OF ROOMS IN DWELLING HOUSE.

(55) Every new dwelling-house shall be provided with at least one living room having a floor area of not less than 144 square feet and containing not less than 1,132 cubic feet, and one bedroom having a floor area of not less than 132 square feet, and containing not less than 1,000 cubic feet. Provided that the provisions of this clause shall not apply to a dwelling-house containing not more than two rooms intended for human habitation.

The danger of fixing a minimum floor area and cubic capacity is the possibility of the figures being treated as a standard. In many districts in the country, the sizes here given would be considered inadequate and it cannot be pretended that they are in any way generous, though they constitute an improvement upon what is to be found in some cottages already



existing. The height of every habitable room is required by the Bye-laws to be 8 feet or where such room is wholly or partly in the roof, 8 feet throughout at least half the area of the room. It will be seen that some slight allowance has been made in the cubical contents of a living room, as if it were 8 feet in height throughout with an area of 144 feet, the cubical dimensions would be 1,152 feet; the Clause therefore allows for a slightly reduced height in certain parts, such as a bay window or where the upper part of a staircase might project into the room. On the other hand the cubical extent of a bedroom constructed in the roof bears a greater relation to the floor area than would be required only to satisfy the Bye-law in regard to height, as a sloping roof might make a large proportion of the floor space non-effective. It is only in respect of one living room and one bedroom in a house that this provision applies and except that no habitable room may have less than 500 cubic feet as provided by the last clause, no regulation is made as to other rooms, if any. It might or might not be wise to require a certain number of rooms in every dwelling house and to prescribe the minimum dimensions of each, but in every Scheme regard will be had to local conditions, and it cannot be said that in this District the need for such rigid provisions has arisen. The proviso at the end of the clause is a concession to a demand for greater freedom in cases of houses for aged couples or single persons such as those in the nature of almshouses.

#### GENERAL CHARACTER OR DESIGN OF BUILDINGS.

(56) If, having regard to the nature and situation of the site of any building or buildings proposed to be erected or altered or to the character of any buildings erected or in course of erection in the neighbourhood of such site, the Council are of opinion that the character of the building or buildings proposed to be erected or altered would be injurious to the amenity of the neighbourhood, whether on account of the design or the undue repetition of the design or the materials to be used, the Council may require such reasonable alterations to be made in regard to the design or materials as they may think fit, and may require the plans to be amended accordingly.

If any dispute or difference shall arise between the Council and any other person as to the requirements of the Council under this clause the same shall be referred to a single arbitrator to be appointed by the President of the Royal Institute of British Architects, on the application of the Council or such other person. The decision of the arbitrator so appointed shall be final and conclusive, and the reference to arbitration shall be deemed to be a reference under the Arbitration Act, 1889.

For the purposes of this clause any person submitting plans for the erection or alteration of any buildings shall furnish to the Council all such plans and particulars as may be reasonably required by the Council.

This Clause has taken many shapes during the preparation of the Scheme before emerging into the final form now given. It will no doubt prove specially interesting to architects as well as to builders and owners, as it is probably a unique instance of a very considerable power given to a Local Authority to control the external appearance of buildings. The Council is empowered to take into consideration the nature and site of a building and the character of other buildings erected in the neighbourhood of the site and to form an opinion as to

whether any building proposed to be erected would be injurious to the amenity of the neighbourhood. Their opinion must however be based upon (a) the design of the proposed building; (b) the undue repetition of the design or (c) the materials to be used, and they must, impliedly, act judicially. For the purpose of enabling them to judge, all such plans and particulars must be furnished as may be reasonably required and it may be taken that "plans and particulars" include elevations. One effect of this Clause is likely to be a requirement of the Council that elevations be submitted in all cases in addition to the plans and sections required by the Bye-laws. It lies with the Council in the first instance to object to any proposal and to require amendment in regard to the design or materials and as they will have to indicate the reasonable alterations they require to be made, a serious onus will be thrown upon them which they may, in many cases, be well advised to refer to a competent professional adviser, as in case of dispute and a reference to an arbitrator, as is provided, they would obviously need special assistance. Be this as it may, it cannot be denied that, in spite of its objections and difficulties, the Clause is a step in the right direction and introduces an element of control which has long been felt to be wanting.

### **Sanitary Conditions and Amenity.**

#### **COMBINED DRAINS.**

(57)—(a) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Council may, when the drains of such houses are first laid, order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct, and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine, and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners, subject to a right of appeal under Clause 77 of this Scheme in regard to the amount of such last-mentioned costs and expenses or the amount thereof to be borne and paid by any person.

(b) Any combined drain constructed in pursuance of this clause shall, for the purposes of the Public Health Acts, be deemed to be a drain and not a sewer.

(c) Provided that the Council shall not, except by agreement with the owners, exercise the powers conferred by this clause in respect of any house plans for the drainage of which shall have been previously approved by them.

It is obviously impossible to discuss the many questions which have arisen in connection with "combined drainage." The note (b) in Lumley's Public Health Act to Section 19 of the Public Health Acts Amendment Act 1890 is as follows:—"Under the Public Health Act 1875, Sec. 4, a drain which receives the drainage of two or more buildings is a sewer and is vested in the Local Authority and it is the duty of the Local Authority to repair, cleanse and keep it so as not to be a nuisance or injurious to Health (see Secs. 15, 19 of that Act). This is still the law with respect to a drain which receives the drainage of two or more buildings belonging to the same owner. When the buildings belong to different owners the pro-



visions of the text make an important modification of the law." That is to say the Local Authority can repair the drain and recover the expenses from the owner in such proportions as shall be settled by their Surveyor or in cases of dispute by a Petty Sessional Court. The object of the Clause in the Scheme is to avoid the difficulty which has arisen in consequence of the words "belonging to different owners" in Section 19 of the Act of 1890 and the effect to throw the cost of the maintenance and repair of combined drains upon the owners of the houses in all cases.

#### STORE FOR FOOD.

(58) Every domestic building constructed or adapted to be used as a dwelling-house shall be provided in connection therewith with a pantry or larder, having a window opening into the external air. Such pantry or larder shall be arranged so that it is not approached direct from any room intended to be used as a sleeping room and so that on any side on which it abuts upon a room used for human habitation it shall be completely enclosed except for any necessary door.

In the case of a domestic building constructed or adapted to be used as a dwelling-house for more than one family, the part of such dwelling-house constructed or adapted to be used by each family, shall be provided with a separate pantry or larder as aforesaid.

This clause shall apply to every domestic building as aforesaid the erection of which is commenced after the approval of this Scheme.

The Bye-laws require only that *if* a pantry or larder for food is provided, it must have proper ventilation. It is a great step in advance to insist that every new dwelling house *must* have a store for food with ventilation to the open air by means of a window and still more that there must be separate larder accommodation for each part of a house constructed or adapted to be used by a different family. The clause will not altogether meet the case of a house where one or more parts are let to lodgers or other families as there is no provision in the Scheme restricting the use of a house to one family where it is not planned for two or more. It has not been found possible to frame a Clause to attain this desirable end but it may be hoped that another attempt will be made in other Schemes which will prove more successful.

#### CLOSET ACCOMMODATION IN HOUSES OCCUPIED BY MORE THAN ONE FAMILY.

(59) Every domestic building constructed or adapted to be used as a dwelling-house for more than one family shall be provided with separate closet accommodation for each family. This clause shall apply to every domestic building as aforesaid the erection of which is commenced after the approval of this Scheme, or the adaptation of which for use by more than one family is effected after the approval of this Scheme.

This follows the same lines in regard to Water Closets as the last Clause does for food stores and the deficiencies of that provision apply here with equal cogency.



## NUISANCES IN GARDENS, &amp;c.

(60) All land used or occupied as private gardens, private open spaces, or private allotments shall be kept in such a state as not to be a nuisance or annoyance to neighbours or to persons using the highways. The Council may, on the report of their surveyor, serve notice on any person or persons, whether individually or jointly occupying or using any such lands as aforesaid, or if the lands be unoccupied then the owner thereof, requiring that the nuisance or annoyance shall be abated within a reasonable time to be specified in such notice, and in default of compliance with such notice the Council may do what is necessary to abate the nuisance or annoyance, and may recover the cost from the person or persons served with the notice or from any one or more of them.

See Clause 33 as to maintenance of private open spaces. The obligations therein mentioned are here extended to private gardens and private allotments and apply generally to all forecourts, front and back gardens, &c. Shrubs, hedges or ornamental trees encroaching on the footway can be summarily dealt with and untidy thistle-grown gardens can also be brought under the Clause provided that they are a nuisance or annoyance to neighbours (a very wide-reaching term) or to persons using the highway. The Council are empowered to act on the report of their Surveyor and failing remedy by the Occupiers or in the case of unoccupied land by the Owners, may carry out any necessary work and recover the costs as provided by Clause 74.

## LAYING OUT, PLANTING AND FENCING OF FORECOURTS BY COUNCIL.

(61) Where it appears to the Council that it is desirable for the purpose of preventing untidiness or irregularity or for securing uniformity or effect that they should themselves lay out plant and fence the forecourts or parts of forecourts abutting upon a street or part thereof, the Council may by agreement with the owners and occupiers for the time being of the land lay out plant and fence such forecourts or parts of forecourts and may maintain the same in good condition at the expense of the Council or by agreement with the owners and occupiers wholly or partially at the expense of the owners and occupiers.

This is purely an "enabling Clause"; it only takes effect by agreement. On the one hand the Council would require a strong case to justify their expending ratepayers' money on private property and on the other hand Owners (and occupiers) would have to be brought to appreciate the advantages of surrendering some of their rights over their property. It may be thought that these combined preliminaries will tend to render the Clause inoperative, but it has not been found so in certain German towns where the principle has worked successfully in practice. One can imagine the difference in the appearance of a street, where the forecourts are laid out, planted and maintained on a comprehensive plan, suitably, but not necessarily expensively. Contrast this with a row of small houses where the forecourts are neglected and untidy, fences dilapidated, weeds rampant with straggling, sickly shrubs spasmodically breaking the monotony. Such a street inevitably lowers the character of the neighbourhood and its inhabitants and it may well be that the loss in rateable value and from empty houses would more than balance a reasonable public expenditure, while the gain to the community as well as to the Owners and occupiers would be obvious.

## PROHIBITION OF ADVERTISEMENTS.

(62) No person shall in the area erect, fix, place, or use or permit to be used in such a position or manner as to interfere with the amenity of the area or any part thereof any building, hoarding, framework, structure or device for the purpose wholly or in part of advertising, but this prohibition shall not apply to the exhibition of traders' names and businesses on shops or factories, or to any notices exhibited on public buildings.

Interference with the amenity of the area is the test of the application of the restrictions imposed. Sections 69, 70 and 78 describe the tribunals to which the determination of any difference is referred. The exceptions to the prohibition are very definitely limited :— " traders' names and businesses on shops or factories " and " notices " on public buildings. A variety of possible offenders is brought within the Clause, which it will be seen reaches any person who has control over land or buildings on which a hoarding or device is used for the purpose of advertising. The words " use or permit to be used " also appear to give the Clause a retrospective effect as the continuance of advertising in a way to infringe the provisions is an offence. It may be noted that the building line clauses, Nos. 36 and 37, would seem to apply to hoardings and an important restriction is thus also imposed upon them, if the word " erection " includes the ordinary advertisement hoarding.

## GOODS FOR SALE.

(63) No goods for sale or exhibition shall be placed in front of or outside any building other than a shop nor more than three feet beyond the building line fixed by the provisions of this Scheme for such shop.

One of the practical results of this Clause, read in conjunction with Clause 40 (b) will be the dedication to the public of the forecourts from 3 feet in front of shops. It will obviously be more easy in the future to carry out any street widening which may be required in shopping streets, while the amenities of the street and convenience are for all time assured and the provision is one mutually protective to all shopkeepers.

## HEIGHT OF FENCES.

(64) No close boundary wall or fence shall be erected on the boundary next to any street of a greater height than five feet measured from the level of such street. Provided that in the case of lands abutting on more than one street a boundary wall or fence may be six feet six inches high next to any street upon which any building erected on such lands does not front.

Any close boundary wall or fence exceeding five feet or six feet six inches in height respectively as aforesaid shall be set back from the street a distance of two feet at least, and the intervening space shall be planted or laid out and maintained by the owner in a manner approved by the Council.

The provisions of this clause shall not apply to any streets in areas on which buildings of the warehouse class are permitted to be erected.



The maximum height prescribed for fences on the boundary of a street, viz :—5 feet, is so high as to render this Clause of little value ; it only applies to a " close wall or fence," that is to say one without apertures or open spaces. Walls or fences on returns or flanks, *i.e.*, on the side roads of a corner plot, are permitted to be 6 ft. 6 in. high and these maxima do not apply in factory areas or where fences are set back from the boundary of the street at least 2 feet and the intervening space is satisfactorily laid out and maintained.

### STREAMS BLOCKED.

(65) Any river, stream or water-course or any part or parts thereof respectively within the area so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river, stream or watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within Section 91 (Definiton of Nuisances) of the Public Health Act, 1875, and all the provisions of that Act relating to nuisances shall apply to every such river, stream or watercourse notwithstanding that the same may not be injurious to health.

This Clause is one frequently inserted in Local Acts promoted by Local Authorities. It will be seen that although the blocking up, &c., of a stream may be dealt with under Section 91 of the Public Health Act 1875, it will not now be necessary to prove that such blocking up, &c., is a nuisance injurious to health.

### CULVERTING STREAMS.

(66) Before the owner of any land within the area shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Council plans, sections and specifications of such watercourse and the method of culverting or covering over the same, and the Council may, subject as herein provided, require such owner to so construct any such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse, subject to a right of appeal by such owner under clause 77 of this Scheme against any refusal of the Council to approve the proposals of the owner, or any delay in giving such approval, or any requirement of the Council under this clause.

Provided that no requirements of the Council under this clause shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or permit to pass if this clause had not been inserted in this Scheme.

This again is a Clause frequently inserted in Local Acts. It will prevent streams being culverted, &c., without the approval of plans by the Council. They will (subject to a right of appeal) be entitled to prescribe, *e.g.*, the size of the pipes, &c. The proviso preserves the Common Law Rights of owners.



**Miscellaneous.****DISPOSAL OR APPROPRIATION OF LANDS.**

(67) Whenever in the area the Council may acquire any land under or for the purposes of this Scheme the Council may dispose of any part of such land not required for that purpose, or may apply such land not so required, or any part thereof, to some other purpose approved by the Board.

Under Section 175 of the Public Health Act 1875 any lands acquired by a Local Authority in pursuance of the powers of that Act and not required for the purpose for which they were acquired *shall* (unless the Local Government Board otherwise direct) be *sold*. Land so acquired cannot be used (except temporarily pending its requirement for such purpose) for any other purpose. (See notes to that Section in Lumley's Public Health Act.)

**ENTRY ON LANDS FOR INSPECTION, &c.**

(68) The Council or any of their officers or servants, on production of the written authority of the Council, shall be admitted into or upon any property within the part of the area in the District of the Council for the purpose of any inspection necessitated by the provisions of this Scheme or for the purpose of enforcing any of such provisions at any time between the hours of nine in the forenoon and six in the afternoon.

If admission for any of the purposes of this clause is refused any justice on complaint thereof on oath by any officer of the Council (made after reasonable notice in writing of intention to make the same has been given to the person having custody of the property) may by order under his hand require such person to admit the Council and their officers and servants into or upon such property during the hours aforesaid, and if no person having such custody can be found, the justice shall, on oath made before him of that fact, by order under his hand authorise the Council and their officers and servants to enter such property during the hours aforesaid. Any such order made by a justice shall continue in force until the purposes for which such admittance was required shall have been fulfilled or executed.

This Clause follows the provisions of Section 102 of the Public Health Act 1875.

**EXERCISE BY COUNCIL OF POWERS UNDER SECTION 57 OF THE ACT.**

(69)—(a) Where it appears to the Council that any building or other work in the area is at any time such as to contravene this Scheme, or that in the erection or carrying out of such building or other work any provision of this Scheme has not been complied with, or that any person has failed to execute any work which it is the duty of such person to execute under this Scheme and it appears to the Council that delay in the execution of the work would prejudice the efficient operation of this Scheme, the person by whom, at whose order, or on whose behalf such building shall have been erected, or such work shall have been begun or done, or the person who has failed to execute any work as aforesaid, shall (by a notice in writing signed

by the Clerk to the Council and served upon such person, and containing a copy of Section 57 of the Act and of this clause) be required on or before such day as shall be specified in such notice (not being less than one calendar month from the date of service of such notice), by a statement in writing under his hand or under the hand of an agent duly authorised in that behalf and served upon the Council, to show sufficient cause why such building or other work should not be removed, pulled down, or altered, or be executed by the Council.

(b) If at the expiration of the notice such person shall have failed to show sufficient cause why such building or other work should not be removed, pulled down, or altered, or (as the case may be) be executed by the Council, and it shall not have been notified to the Council by such person or by the Board that such person has referred any question to the Board under sub-section (3) of Section 57 of the Act, the Council, after giving such person notice that at the expiration of a further period specified in the notice (not being less than 14 days from the date of service of such notice) they intend to exercise their powers under Section 57 of the Act, may proceed to remove, pull down, or alter, or execute such building or work (as the case may be). Provided that a power proposed to be so exercised shall not be exercised pending the determination of any question referred to the Board under sub-section (3) of the said section in relation to the building or other work in respect of which that power is proposed to be exercised, and of which reference the Council shall have received written notice within the last-mentioned period.

(c) When on any question referred to the Board under sub-section (3) of the said section it is determined that any building or work contravenes this Scheme, or that any provision of this Scheme is not complied with in the erection or carrying out of any such building or work, the Council, after giving such person as aforesaid notice that, at the expiration of a period specified in the notice (not being less than one calendar month from the date of service of such notice), they intend to exercise their powers under the said section, may proceed to remove, pull down, or alter any such building or work.

(a) This provides for the Notice to be given pursuant to Sub-Section (1) of Section 57 of the Act: (b) provides the machinery required to act under Sub-Section (1) (a) and (b) with the limitation fixed by Sub-Section (3) of that Section: (c) provides such machinery for dealing with buildings, &c., contravening the Scheme or for executing work after the determination of any matters referred to the Board by way of Appeal.

#### PENALTIES.

(70) In addition to and notwithstanding any other procedure or remedy any person committing or knowingly permitting any breach or non-observance of any of the provisions of this Scheme shall be guilty of an offence and shall be liable on conviction in any court of summary jurisdiction to a penalty not exceeding forty



shillings for each offence, and to a further penalty not exceeding twenty shillings for each day upon which any offence is continued after conviction or after notice in writing of the offence has been served by the Council or by any party interested upon the party charged.

This Clause provides for the infliction of a penalty in every case of a breach of the Scheme and it would appear that any persons interested (not the Council or responsible authority only) may take proceedings. This is important as it will prevent the Council from knowingly allowing contravention of the Scheme in the face of objections by persons interested. (Under the previous Clause the responsible authority can alone take action.) Under this Clause for instance, proceedings could be taken in the case of advertisement hoardings which infringe the provisions of Clause 62.

#### GIFTS.

(71) The Council may accept a donation of land or money or other property for the furtherance of any object of this Scheme, and it shall not be necessary to enrol any assurance with respect to any such property under the Mortmain and Charitable Uses Act, 1888.

This is a Clause suggested by Item No. 14 of the 4th Schedule to the Act which sets out the various matters to be dealt with by general provisions prescribed by the Board. Compare the provisions of Section 8, Sub-Section (1) of the Local Government Act, 1894, the powers of which have been in many cases conferred upon Urban District Councils by the Board under Section 33 of that Act.

#### AGREEMENTS.

(72) The Council may, subject to the approval of the Board, make any agreements which the Council think fit with any person or persons for the purpose of carrying out this Scheme, or any part thereof, or any adjustment or other matter in connection therewith. Any provision in any such agreement shall be void if inconsistent with this Scheme, but otherwise all such agreements shall have full force and effect and shall be deemed to apply to and bind all persons parties to such agreement and all successors in title to such persons. In the case of settled land, the tenant for life may make such an agreement provided that such agreement shall be approved by the court or agreed to by the Trustees of the Settlement.

This Clause enables agreements to be made *in the future* with landowners and others for the purpose of the Scheme or for any adjustment or other matter in connection, so long as it is not inconsistent with the Scheme.

#### AGREEMENTS CONFIRMED.

(73) The agreements mentioned in the following statement shall be deemed to form part of this Scheme, and notwithstanding any other provisions of this Scheme are hereby confirmed, and shall have full force and effect, subject to the modifications set out in the third column of the statement :—



# THE RUISLIP-NORTHWOOD SCHEME.

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Date of Agreement. 1.	Parties, and Description of Lands. 2.	Modifications of Agreements. 3.
1911. May 29th (1)	- The Ruislip-Northwood Council of the one part and the H.T.H. Syndicate, Ltd., of the other part: St. Catherine's Estate, Ruislip.	—
1911. July 18th (2)	- The Ruislip-Northwood Council of the one part and Harry Everitt of the other part: Imperial Estate, Eastcote.	—
1911. July 26th (3)	- The Ruislip-Northwood Council of the 1st part, Robert Masson Smith and Charles Grahame Hardy of the 2nd part, and Ralph Hawtrey Deane and the Revd. Francis Henry Deane of the 3rd part: Land near Northolt Junction.	—
1912. April 24th (4)	- The Ruislip-Northwood Council of the one part and Jason Wilshin of the other part: Church Field, Ruislip.	—
1912. July 31st (5)	- The Ruislip-Northwood Council of the one part, and the Committee of Management of St. Vincent's Cripples' Home of the other part: Ruislip Holt, Eastcote.	In Art. 5 of the Agreement after the words " other than " in the second line there shall be inserted the words " buildings which would comply " with the byelaws as to new " buildings for the time being " in force in the Urban District of Ruislip-Northwood " and other than."
1913. January 20th (6)	- The Ruislip-Northwood Council of the one part and John Pratt Page of the other part: Land abutting on Bridle Road, Eastcote.	—
1913. February 12th (7)	- The Ruislip-Northwood Council of the one part and Josef Conn of the other part: Land adjoining Poors Field.	—
1913. April 22nd (8)	- The Ruislip-Northwood Council of the one part and Edward Hilliard of the other part: Hilliard Estate.	" Clause 28 " shall be substituted for " Clause 36 " in Art. 1 of Agreement. Art. 3 of Agreement shall be omitted.

Date of Agreement. 1.	Parties, and Description of Lands. 2.	Modifications of Agreements. 3.
1913. May 30th (9)	- The Ruislip-Northwood Council of the one part and Arthur Helsham-Jones and Alice Harriette Elizabeth Helsham-Jones of the other part: Lands near Haste Hill, &c.	A reference to "the Map" shall be substituted for the references to "Map Number 5" in Art. 1 of Agreement. "Clause 16" shall be substituted for "Clause 24" in Arts. 2 and 6 of Agreement. Arts. 3, 4, and 8 of Agreement shall be omitted.
1913. July 14th (10)	- The Ruislip-Northwood Council of the one part and Frederic Pesman Matthews and Edmund Joseph Bellord of the other part: Land at Hill End or Haste Hill.	—
1913. July 18th (11)	- The Ruislip-Northwood Council of the one part and Maximilian Maurice Samuel of the other part: Cheney Hill Estate, Eastcote	Art. 8 of Agreement shall be omitted
1913. October 30th (12)	- The Ruislip-Northwood Council of the one part and Edwin Ewer of the other part: Enclosure 897 and 897a on the Map.	A reference to "the Map" shall be substituted for the reference to "Map Number 5" in Agreement: and references to Enclosures 897 and 897a shall be substituted for the references to Enclosure 897 in the Agreement. "Clause 13" shall be substituted for Clause 19 in Art. 3 of Agreement.
1913. November 12th (13)	The Ruislip-Northwood Council of the one part and the Trustees under the Will of G. B. Wieland, deceased, of the other part: Lands adjoining Rickmansworth Road, lands adjoining Claypit Lane, and lands near Gateshill Farm.	Arts. 2 and 3 of Agreement shall be omitted. "Responsible authority within the meaning of the Town Planning Scheme" shall be substituted for "Council" in Art. 5 of Agreement.
1913. December 23rd (14)	The Ruislip-Northwood Council of the one part and Ralph Hawtrey Deane and the Revd. Francis Henry Deane of the other part: Land near Eastcote Grange.	Art. 1 of Agreement shall be omitted, but the Schedule therein referred to shall have effect notwithstanding, subject to the omission of the reference to Enclosure 341. A reference to "the Map" shall be substituted for the reference to the Map mentioned in the said Schedule.

Date of Agreement.	Parties, and Description of Lands.	Modifications of Agreements.
1.	2.	3.
1914. February 5th - (15)	The Ruislip-Northwood Council of the one part and Charles William Dyson-Perrins of the other part: Lands adjoining or near Eastbury and Rofant Roads.	Article 3 of Agreement shall be altered by the substitution for all the words after "the Council shall" of the words "forthwith make an application under the Highway Act, 1835, with a view to the closing to the public of the existing public footway passing from the southern end of the said triangular piece of land alongside the Metropolitan and Great Central Railway to a point where it joins the footpath coloured brown on the said plan hereto annexed."
1914 February 13th - (16)	The Ruislip-Northwood Council of the one part and King's College, Cambridge, of the other part: Lands in the Urban District of Ruislip-Northwood	<p>A reference to "the Map" shall be substituted for the references to the Town Planning Map and Maps referred to in the Agreement.</p> <p>The words "such preliminary draft" and subsequent words at the end of the preamble shall be deemed to be omitted.</p> <p>For the reference to Road No. 19 in Art. 10 of the Agreement there shall be substituted a reference to Road No. 16.</p> <p>For the reference to "Clause 19" in the first Art. 21 there shall be substituted a reference to Clause 13 of this scheme, and that Article shall also be altered by the addition at the end thereof of the following words, viz.: "Provided that for the purposes of this Agreement the said Clause 13 of the Scheme shall be read and construed as if for the words 'the Council may permit' there were substituted therein the words 'the Council shall permit.'"</p> <p>For the reference to "Clause 110" in the second Art. 21 there shall be substituted a reference to Clause 79.</p>



This Clause confirms Agreements made prior to the approval of the Scheme and Agreements such as these are vital to the provisions of any Scheme. It is obvious that if a Scheme were made without full consultation and negotiation with owners and without agreements being arrived at, the Scheme would be difficult if not costly to carry out. It is a doubtful question whether it is better to make these arrangements part of the Scheme, as in this case or to make them entirely outside the Scheme. The former course seems preferable, as all owners have the right to inspect the agreements and all modifications will be subject to the approval of the Board. The provisions of the Agreements prevail over the provisions of the Scheme where they differ. Practically the whole of the Agreements scheduled contain a clause to the effect that the owner shall not claim compensation nor shall the Council make a claim for increase of value.

The following are some of the principal provisions contained in the agreements so far as they differ from or are in addition to provisions of the Scheme. The numbers of the Agreements are for the purpose of reference inserted in brackets underneath their dates in in the text of the Scheme.

No. 1.—No compensation to be claimed by Owners. About  $2\frac{1}{2}$  acres of land to be given up for public open space. (No. 28.) Credit to be given by the Council for the value of the open space in any claim for betterment. The owners to carry out the widening of existing street (Howlett's Lane) at their own expense and to dedicate a small piece of land to the public at the corner of Bury Street and St. Catherine's Road. Fences next highway not to exceed 3 ft. in height. The curtilage of every building to be at least six times the area of the land occupied by such building. All trees unless actually interfering with the erection or maintenance of any building to be preserved. Owners to plant trees in new street, No. 26, and to maintain them until street is taken over by the Council.

No. 2.—No compensation to be claimed by Owner. Average number of houses to the acre limited to five instead of six as provided by Scheme. Small piece of land in centre of narrow roadway out of street No. 35b to be laid out as open space and maintained by owner until Council desire to take it over. Owner to give up land and carry out widening of existing street (Bridle Road). Front fences not to exceed 4 ft. in height. Area of land occupied by buildings not to exceed one-sixth of the area of the curtilage of such building. All trees unless actually interfering with erection or maintenance of any building to be preserved. Owner to plant trees in new street, No. 35b.

No. 3.—No compensation to be claimed by Owners and no betterment by Council. Owners to give up to the Council about 8 acres of land for public open space, No. 19. Owners to plant trees in some of the new streets, Nos. 61 to 83.

No. 4.—No compensation to be claimed by Owner. Owner to be at liberty to lay out two 40 ft. roads across his land from north-west to south-east crossing new street, No. 38. Owner to give land for widening Eastcote and Ruislip Road. Front fences not to exceed 4 ft. in height. All trees unless actually interfering with the erection or maintenance of any building or construction of roads to be preserved.

No. 5.—Limitation of number of inmates to be in Home at one time. So long as the Home is carried on the whole of the lands shown on the plan annexed to the agreement to be used for the purposes of the Home. No building exceeding three stories in height to be erected without the consent in writing of the Council. Certain restrictions as to the erection of buildings within 50 feet of any adjoining streets or lands. All trees unless actually interfering with the erection or maintenance of any building to be preserved.

No. 6.—Owner to carry out widening near new street No. 35c. All trees unless actually interfering with the erection of any building to be preserved.

No. 7.—Effects an arrangement for the purpose of the construction of new street No. 4; a small portion of land outside the area of the Scheme is to be exchanged. Council to erect a new hedge.

No. 8.—No compensation to be claimed by Owners nor betterment by Council. Provision for construction of a new footpath (No. 33a) by an adjoining Owner. When this new footpath is constructed Owner to give up small piece of land for public open space No. 34. Council to indemnify owner against any claims for compensation by tenants by reason of the construction by Council of roads and sewers.

No. 9.—Except in case of matters mentioned hereafter no compensation to be claimed by Owners nor betterment by Council. Costs of construction of any bridge or culvert over the stream running between enclosures 278 and 409 on the lands of Owners on the line of new street No. 19 to be borne by Council. Council to indemnify the Owner against any claims by tenants for compensation in connection with the construction of new streets or widenings and to pay to the Owners compensation for any existing buildings demolished. Arrangements for construction of part of new street No. 11 for benefit of other owners.

No. 10.—Provides that in the event of the land being acquired for the Cripples' Home similar provisions as in the Agreement No. 5 to apply.

No. 11.—No compensation to be claimed by Owner. Owner to set apart land near new street No. 35a as private open space. Owner to carry out certain widenings. All trees, unless actually interfering with the erection or maintenance of any building or construction of roads, to be preserved.

No. 12.—No compensation to be claimed by Owner nor betterment by Council. Owner to give up land for public open space No. 31. Council to fence land so given up. The land so given up to be deemed to satisfy the conditions of Clause 13 of the Scheme.

No. 13.—No compensation to be claimed by Owners nor betterment by Council or Responsible Authority (part of the land is in the Watford Rural District). Owners to give up land for widening Rickmansworth Road. Council to carry out works in connection therewith. Council to pay compensation to tenant. Provides for arrangement as to construction of new street No. 11 referred to in Agreement No. 9.

No. 14.—No compensation to be claimed by Owner or betterment by the Council, except in respect of new streets Nos. 14 and 61. Special provisions as to dates of giving up land shown on the Map as open spaces Nos. 25, 25a, 25b, and 25c.

No. 15.—No compensation to be claimed by Owner nor betterment by Council. Special provision as to limitation of number of houses to the acre. Owner to give up land for public open space No. 15 in consideration of which Council are to apply for an Order for the diversion of a footpath part of which is outside the area of the Scheme.

No. 16.—A very comprehensive Agreement. Owners to give up open spaces Nos. 1, 2, 3, 4, 5, 5a, 6, 6a, 7, 8, 9, 10, 11, 12, 13, 14, 14a, 15 and 16, about 80 acres to Council at various times. Owners to be at liberty to cart and carry away such timber thereon as Council do not by notice express their intention to preserve. Power to slightly vary position of open spaces. Council to fence open spaces from adjoining



lands. Arrangement for exchange of land under Clause 19 of the Scheme. Provisions as to the time of construction of parts of new streets Nos. 4 and 13. Provisions as to the construction of new streets across open spaces. Provisions as to widenings in Bury Street, Ruislip, and the Ruislip and Eastcote Road and alteration in that road. Owners freed from liability to widen railway bridges or arches on the line of new streets. Provisions permitting the erection of private schools within areas restricted to the erection of private dwelling houses. Owners to be deemed to have satisfied the conditions of Clause 13 of the Scheme as to relaxation of Bye-laws where land is given up for open spaces and a substitution of the word "shall" for the word "may" in that Clause. Owners not to claim compensation except as to the laying out of new street No. 19 across land in Enclosure 494 or by the provisions of Clause 79 of the Scheme. Council not to claim betterment.

#### RECOVERY OF EXPENSES BY COUNCIL.

(74)—(a) Where the Council have incurred expenses for the repayment whereof the owner of the premises deriving benefit therefrom or for or in respect of which the same shall have been incurred is made liable under this Scheme or the Act or by any agreement with the Council, such expenditure may be recovered in a court of summary jurisdiction together with interest at a rate not exceeding Four Pounds per centum per annum from the date of service of a demand for the same until payment thereof from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and until recovery of such expenses and interest the same shall be a charge on the premises deriving benefit therefrom or for or in respect of which they were incurred. In all summary proceedings by the Council for the recovery of any such expenses the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

(b) The Council may by Order declare any such expenses to be payable by annual instalments within a period not exceeding 30 years with interest at a rate not exceeding Four Pounds per centum per annum from the date of the service of notice of demand until the whole amount is paid, and any such instalments and interest or any part thereof may be recovered in a summary manner from the owner for the time being of such premises and may be deducted from the rent of such premises in the same proportions as are allowed in the case of private improvement rates under the Public Health Act, 1875.

(c) The Council may if they think fit from time to time (in addition and without prejudice to any other remedy) recover in a Court of Summary Jurisdiction or as a simple contract debt by action in any court of competent jurisdiction from the owner for the time being of any such premises the whole or any portion of any such expenses and interest.

(d) Any expenses incurred by the Council under Section 57 of the Act which are not expenses recoverable as hereinbefore provided may be recovered by the Council in any court of summary jurisdiction or as a simple contract debt by action in any



court of competent jurisdiction from the person by whom, at whose order, or on whose behalf, any building or other work contravening this Scheme shall have been erected or done or whose duty it was to execute the work executed by the Council.

#### RECOVERY OF BETTERMENT.

(e) Where the value of any land is increased by the making of this Scheme, the sum lawfully required to be paid in respect of that increase shall, until payment, be a charge on the inheritance of such land, and such sum may if required to be paid otherwise than by instalments be dealt with and recovered in the same way that expenses may be dealt with and recovered under this clause, or if required to be paid by instalments, any arrears of such instalments may be dealt with and recovered in the same way as instalments of expenses may be dealt with and recovered under this clause.

(a) Expenses incurred by the Council and for which an owner is responsible may, be recovered in a Court of Summary Jurisdiction with interest at a rate not exceeding 4 per cent. and are a charge on the premises until recovered.

(b) This follows Section 257 of the Public Health Act 1875 which provides for payment by instalments.

(c) This follows Section 14 of the Private Street Works Act 1892 and enables recovery from the owner for the time being as a simple contract debt in any Court of competent jurisdiction.

(d) Sub-Section (a) of this Clause only gives right of action against the owner of the premises at the date of the completion of the works. Sub-Section (c) gives a right of action against the Owner for the time being.

The period within which Summary proceedings may be taken for recovery of any expenses will be reckoned from the date of service of notice of demand. This avoids any question arising under the provisions of Sec. 11 of the Summary Jurisdiction Act 1848, that any complaint or information shall be made or laid within 6 months from the time when the matter of such complaint or information arose. Presumably the charge will take effect upon completion of the works, *Tottenham Local Board v. Rowell* L. R. 15 C. D. 378, but interest will not run until notice of demand has been served.

#### APPLICATION OF MONEYS RECEIVED BY COUNCIL.

(75) All amounts recovered by the Council under Section 58 of the Act in respect of the increase in value of property or received from owners as contributions towards the cost of street construction or from the sale of surplus lands or from any other source in connection with this Scheme shall be applied in repayment of moneys borrowed under the Act for purposes of this Scheme or to such other purposes as may be approved by the Board.

It will be observed that moneys so recovered can only be applied by the Council *without the consent of the Board* in repayment of money borrowed under the Act for the purpose of the Scheme. This will prevent money received, *e.g.*, for betterment being applied in reduction of rates or of anything but capital charges. Expenses incurred by a Local Authority under Part II. of the Act or under any Scheme are to be defrayed as expenses under the Public Health Acts and the Authority may borrow in a manner similar to that provided

by those Acts. Money borrowed for these purposes will not be reckoned as part of the debt of the Local Authority for the purpose of limitation of borrowing under Sec. 234 of the Public Health Act 1875. (See Sec. 65 of the Act.)

### SUSPENSION AND APPLICATION OF ACTS AND BYELAWS.

(76)—(a) So far as necessary for the proper carrying out of this Scheme :—

- (1) The following enactments contained in a public general Act shall be suspended in the area, namely :—

The Highway Act, 1835, in regard to the stopping up and diversion of highways, so far as regards the highways referred to in Clause 28 of this Scheme ; and

- (2) All other statutory enactments, not being contained in a public general Act, and all byelaws, regulations, or other provisions under whatever authority made, which are in operation in the area, shall be suspended.

(b) Except as aforesaid and subject to the provisions of this Scheme all statutory enactments, byelaws, regulations, or other provisions which are in operation in the area shall continue to be in full force therein, and nothing in this Scheme shall prevent the adoption or putting in force at any time in the area of any adoptive Act or of any part thereof, or the making of new byelaws to apply therein. Provided that the adoption or putting in force of such Act and the making of such byelaws shall have been confirmed and sanctioned as required by law.

(a) (1.)—During the discussions in Parliament considerable objection was taken to the Clause in the Act permitting the suspension of the provisions of public and general Acts. It will be noticed that the only provisions so suspended in this Scheme are those of the Highway Act 1835, under which the cumbrous and expensive proceedings before justices and Quarter Sessions for the stopping up and diversion of highways are now carried out. It is submitted that even these provisions might be left in full force and the provisions of the Scheme treated as concurrent only. It will be noticed that the provisions are only suspended so far as the specific highways mentioned in Clause 28 are concerned.

(2.)—The effect of this Sub-Clause is far-reaching and presumably its provisions might override the private Act of, *e.g.*, a Railway or Water Company, if such Act were in contravention of the Scheme.

(b) This Sub-Clause is merely a saving clause. An Order has since the date of the approval of the Scheme been made putting in force Part VI. (Recreation Grounds) of the Public Health Acts Amendment Act 1907.

### APPEAL TO PETTY SESSIONAL COURT.

(77)—(a) Any person deeming himself aggrieved by—

- (1) Any decision of the Council under Clause 5 of this Scheme ;
- (2) Any apportionment of costs and expenses, or the period prescribed for payment of sums apportioned, under Clause 16 of this Scheme ;



- (3) Any requirement of the Council under, or any delay of the Council in giving any approval referred to in Clause 23 of this Scheme ;
- (4) The amount of costs and expenses proposed to be recovered by the Council under Clause 57 of this Scheme, or the amount to be borne and paid by a person ;
- (5) Any refusal of the Council to approve proposals of an owner under Clause 66 of this Scheme, or any delay of the Council in giving such approval, or any requirement of the Council under that clause ;

may appeal to a Petty Sessional Court.

In the case of an appeal against delay of the Council the appeal shall not be made until the expiration of one calendar month after notice of intention to appeal has been given to the Council, and in the case of an appeal on any other matter above-mentioned the appeal shall be made within two calendar months from the date of the requirement of the Council or from the date of the service of notice by the Council of their decision, refusal, or apportionment.

(b) Any four inhabitant householders of the District of the Council may appeal to a Petty Sessional Court against any proposal of the Council as to an adjustment of the boundaries of a street under Clause 7 of this Scheme. Any such appeal shall be made within one month after the date of the advertisement referred to in that clause.

(c) On any such appeal, the Petty Sessional Court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the Court shall seem just.

(d) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the Petty Sessional Court may direct.

The Scheme as sealed by the Council provided as follows :—

“ Any person who deems himself aggrieved by the withholding by the Council of any consent or approval to any act, matter or thing which under the provisions of this Scheme or under the provisions of Section 3 of the Public Health (Building in Streets) Act 1888, they are authorised to give, may appeal to the Board by giving notice of appeal to the Board within 21 days after the service upon him of notice of their determination to withhold such consent which notice the Council shall serve upon such person within 14 days after such determination and the Board may make such Order in the matter as to the Board may seem equitable and the Order so made shall be final and conclusive upon all parties.”

This Clause was omitted by the Board and the provisions of the Scheme as to appeals now stand as follows :—

#### APPEALS TO THE LOCAL GOVERNMENT BOARD.

Modification in detail of Scheme (Clause 26).

Adjustment of boundaries of Estates (Clause 27).

Variation of land units, and the number of buildings to be erected thereon (Clause 49).

Buildings or works executed in contravention of the Scheme or failure to execute works which under the Scheme any person is bound to execute (Clause 69).

Sanction to Agreements (Clause 72.)



## APPEALS TO PETTY SESSIONS.

Expenses of the construction of new streets over 40 feet in width (Clause 7).

Apportionment of cost of new streets, constructed by Council (Clause 16).

Position of new streets not shown on Map (Clause 23).

Cost of construction and repairs of combined drains (Clause 57).

Refusal of Council to approve proposals as to culverting streams (Clause 66).

Flow of water, &c. to Reservoir or Feeder of Canal Co. (Clause 86).

APPEALS TO AN ARBITRATOR appointed by the President of the Royal Institute of British Architects.

Any question as to elevation of buildings (Clause 56).

## APPEALS TO QUARTER SESSIONS.

Access to streets over grass margins (Clause 25).

The whole question of appeal is one which was much discussed during the various stages of the preparation and approval of the Scheme. The late Alderman Thompson was of opinion that "in view of the difficulty if not impossibility of formulating clauses which will govern the details of (*inter alia*) the construction of buildings, roads, sewers and other works and will yet be sufficiently elastic to permit of that economy and variety in development and construction which it should be the object of Town Planning Schemes to secure, it is absolutely necessary to set up in a scheme some satisfactory and impartial tribunal which can sanction agreed modifications of detail or act as a court of appeal on the application of owners." It is however, submitted that in view of Section 54, Sub-Section 6 of the Act which (whether rightly or wrongly) enacts that "A Town Planning Scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with this part of this Act," the Legislature obviously intended that a Scheme should not be varied without the consent of Parliament.

## APPEAL TO QUARTER SESSIONS.

(78) Any person deeming himself aggrieved by any conviction or order made by a Petty Sessional Court under or pursuant to the provisions of this Scheme may, if no other mode of appeal is provided by this Scheme or any Act of Parliament, appeal to the next practicable Court of Quarter Sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a Petty Sessional Court the Council may in like manner appeal, and the Court of Quarter Sessions shall accordingly be, and are hereby, empowered to deal with any such appeal as if it were an ordinary appeal under those Acts.

This Clause gives a right of appeal to Quarter Sessions against all decisions of a Court of Petty Sessions.

## DEMOLITION OR ALTERATION OF BUILDINGS.

(79) So far as may be necessary for carrying this Scheme into effect the Council may demolish or alter any buildings existing in the area at the date of the approval of the Scheme.

This is one of the matters to be dealt with by general provisions to be made by the Local Government Board under Schedule IV. of the Act, but pending the issue of such general provisions a Clause to this effect must be inserted in all schemes.

## CLAIMS FOR COMPENSATION OR BETTERMENT.

(80) Claims under Section 58 of the Act for compensation or in respect of any increase in value of property shall be made within twelve months from the date of the approval of this Scheme by the Board :

Provided that in the case of any such claim arising under the provisions of Clause 23 of this Scheme, the claim shall be made within twelve months from the date of a requirement of the Council under that clause, or in the event of an appeal against such requirement within twelve months from the date of the Order of the Petty Sessional Court or Court of Quarter Sessions on any such appeal.

It might have been preferable that the period for claims for betterment should have been longer than for compensation as in many cases a Local Authority would probably not claim betterment unless a previous claim for compensation were made. Claims for compensation only arise in consequence of property being injuriously affected by the making of the Scheme. It is obviously very much in the interests of owners and local authorities that the time for claims should be strictly limited and one item of cost in carrying out the Scheme settled once and for all. It is difficult at present to see upon what basis an Arbitrator would determine the amounts to be paid. Under Clause 23 of the Scheme no claim for compensation can arise until some requirement of the Council shall have been made, and this is the only case in which claims for compensation can arise after the expiration of twelve months from the date of approval of the Scheme. It must be noted that the Local Government Board have by their Order approving the Scheme declared that the provisions of Clauses 36 to 56 of the Scheme are reasonable and that therefore no compensation is payable by the Council in respect of injurious affection by any of the provisions of these Clauses.

## SERVICE OF NOTICES.

(81) Notices under this Scheme shall be in writing and may be served upon (a) any person required to be served by being sent by post addressed to such person or to his agent at the last known place of abode or business of such person or agent ; or (b) on a local authority, corporate body or company required to be served by being sent by post addressed to their clerk or secretary at his office.

The requirements of this Clause as to Notices should be compared with the requirements as to service of Notices contained in the Procedure Regulations and Section 267 of the Public Health Act 1875. It is perhaps a matter for regret that the provisions are not uniform.

## CONSENT OF COUNCIL TO BE IN WRITING.

(82) In all cases where the consent of the Council is required to be given under this Scheme such consent shall be in writing and shall be either under the hand of the clerk or the seal of the Council.



## INQUIRIES BY BOARD.

(83) Section 85 of the Housing of the Working Classes Act, 1890, as amended by the Act shall apply for any purposes of this Scheme as it applies for the purpose of the execution of the powers and duties of the Board under the former Act.

The Section in question provides for payment by the Local Authority of somewhat heavy fees. It is submitted that in future Schemes this provision might well be omitted. The policy of the Board being to encourage Local Authorities to prepare Schemes it seems hardly in accordance with such policy to compel Local Authorities to pay heavy fees to the Board. In the case of this Scheme the fees in respect of an Inquiry held by the Board's Inspector amounted to £57.

## EXCLUSION OF "GENERAL PROVISIONS."

(84) Any general provisions which may hereafter be made by the Board under Section 55 of the Act shall be excluded from taking effect as part of this Scheme.

The Board had not at the date of the approval of the Scheme made any General Provisions under the Section of the Act referred to. If and when they are made, they will not apply to this Scheme.

## PROTECTION TO RAILWAY COMPANIES AND CANAL COMPANIES.

(85) Nothing in this Scheme contained shall be deemed to affect the user by a railway company or canal company for the purposes of their undertaking, other than the erection of dwelling-houses, of any lands owned by the Company at the date of the approval of the Scheme or which under an agreement existing at the said date they have an option to purchase; but, in the event of such lands being disposed of by the company or being used or proposed to be used for the erection of dwelling-houses or being developed or proposed to be developed in a manner inconsistent with the use of the same for the purposes of the undertaking of the company, any provisions of this Scheme which would but for this clause affect the user of such lands shall thereupon apply to such lands.

This Clause is somewhat too far reaching. Presumably the onus of proof as to the development or proposed development of lands in a manner "inconsistent with the use of the same for the purposes of the undertaking of the Company" will be upon the Council.

FOR THE PROTECTION OF THE GRAND JUNCTION CANAL COMPANY  
AND THE REGENTS CANAL AND DOCK COMPANY.

(86)—(a) The Council shall not be entitled to recover any sum of money apportioned upon the Ruislip Reservoir of the Company of Proprietors of the Grand Junction Canal (herein-after called "the Canal Company") in respect of the new street numbered 13 on the map leading from Northwood to Ruislip Common, nor



shall the Council make a claim against the Canal Company under Section 58 of the Act in respect of any increase in value of the property of the Canal Company by the making of this Scheme, and no compensation shall be payable by the Council under the same section to the Canal Company.

(b) The construction by the Council of the new streets coloured pink on the map shall be carried out as to interfere as little as is reasonably practicable with the flow of water in or from any river, brook, stream, spring, or watercourse, which discharges into the Ruislip Reservoir or the Ruislip Feeder of the Canal Company, or with the flow of surface water into the said reservoir or feeder, and in the event of the Canal Company claiming that unnecessary or unreasonable interference with the flow of water in or from any such river, brook, stream, spring, or watercourse, or with the flow of such surface water is being or will be caused in or by the construction of any of the said streets they may appeal to a Petty Sessional Court, and the provisions of Clauses 77 and 78 of this Scheme shall apply to such appeal and to the powers of the Court in relation thereto: Provided that the Canal Company shall give to the Council fourteen days' notice of the intention to appeal.

(c) Nothing in this Scheme shall prejudice or suspend the statutory enactments relating to the said Ruislip Reservoir or Ruislip Feeder, or the supply of water to the said reservoir or feeder.

(d) The provisions of sub-clauses (b) and (c) of this Clause shall apply for the protection of the Regent's Canal and Dock Company in like manner as they apply for the protection of the Canal Company.

In the case of Statutory Companies it seems preferable to deal with matters of the character contained in this Clause by provisions inserted in the Scheme rather than by Agreement. The Clause was agreed between the Council and the Company.

#### THE WATFORD COUNCIL AND THE MAP.

(87) A certified copy of the map so far as it relates to the part of the area in the Watford District shall be furnished by the Ruislip-Northwood Council to the Watford Council as soon as practicable after the approval of this Scheme by the Board, and the last-mentioned Council shall be entitled to inspect the map at all reasonable times and to take a copy of the map or any part thereof.

It will be noticed that it is not the whole of the Map, a copy of which has to be furnished, but only that part which relates to the area outside the District of the Local Authority making the Scheme.

#### DURATION OF SCHEME AND SHORT TITLE.

(88) This Scheme shall commence on the day on which it is approved by the Board and shall continue in operation until varied by any subsequent Scheme and may be cited as "The Ruislip-Northwood Town Planning Scheme, 1914."

The date of commencement of the Scheme is except for the purposes of Section 58, Sub-Section (2) of the Act the date at which the Council can really control the development of the area. It would appear doubtful whether in the absence of an express provision such as that contained in Clause 36 (b) of the Scheme the Local Authority could remove without payment of compensation a building erected since the date of Application to the Board for Authority to prepare the Scheme and which contravened the Scheme when actually approved.

Given under the Seal of Office of the Local Government Board, this  
Seventh day of September, in the year One thousand nine hundred  
and fourteen.

HERBERT SAMUEL,

*President.*

NOEL T. KERSHAW,

*Assistant Secretary.*

On behalf of the Local Government Board it is hereby certified—

- (1) that notice of the intention of the Board to approve the Scheme referred to in the foregoing Order as modified and set out in the Schedule to the Order was published in the London Gazette and that objections were made thereto by certain persons interested within twenty-one days from the date of such publication ; and
- (2) that a draft of the Scheme as so modified was laid before each House of Parliament for the periods specified in Section 54 (4) and Section 55 (2) of the Housing, Town Planning, &c. Act, 1909, during the Session of Parliament and that no action was taken thereon by either House.

As witness my hand this 7th day of September, 1914.

NOEL T. KERSHAW,

*Assistant Secretary.*

*Acting on behalf of the Local Government Board under  
the authority of their General Order dated the 26th  
day of May, 1877.*

CHAPTER VI.

THE QUINTON, HARBORNE, AND EDGBASTON (BIRMINGHAM)  
TOWN PLANNING SCHEME.

TO THE LORD MAYOR, ALDERMEN, AND CITIZENS of the City  
OF BIRMINGHAM ;—

To all owners of land comprised in the Scheme set out in the Schedule  
hereto, and to all other persons interested in the said land :—

And to all others whom it may concern.

WHEREAS it is enacted by sub-section (4) of Section 54 of the Housing, Town Planning, &c. Act, 1909 (hereinafter referred to as "the Act"), which Section is included in Part II. of the Act, that a town planning scheme prepared or adopted by a local authority shall not have effect unless it is approved by Order of Us, the Local Government Board, and that We may refuse to approve any scheme except with such modifications and subject to such conditions as We may think fit to impose ;

And whereas the Lord Mayor, Aldermen, and Citizens of the City of Birmingham, acting by the Council (hereinafter referred to as "the Local Authority"), have prepared a town planning scheme (hereinafter referred to as "the Scheme") in accordance with the provisions of Part II. of the Act and of the Town Planning Procedure Regulations (England and Wales), 1910, and have submitted the Scheme to Us for Our approval ;

And whereas We have made certain modifications in the Scheme, and the Scheme as modified by Us is set out in the Schedule hereto ;

And whereas by sub-section (2) of Section 59 of the Act it is enacted that property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme, which, with a view to securing the amenity of the area included in the Scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which We, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose ;



And whereas Clauses 7, 17, 18 and 19 of the Scheme, as modified and set out in the Schedule hereto, contain provisions which prescribe the matters mentioned in sub-section (2) of the said Section 59 for the purpose therein mentioned :

NOW THEREFORE, in pursuance of the powers given to Us by the Statutes in that behalf, We hereby Approve the Scheme as modified and set out in the Schedule hereto, and We hereby Declare that, having regard to the nature and situation of the land affected by the provisions of Clauses 7, 17, 18 and 19 of the Scheme, We consider those provisions reasonable so far as they relate to the purpose mentioned in sub-section (2) of Section 59 of the Act.

## SCHEDULE.

### CITY OF BIRMINGHAM.

#### Quinton, Harborne, and Edgbaston Town Planning Scheme.

#### DEFINITIONS.

(1) "The Corporation" means the Lord Mayor, Aldermen, and Citizens of the City of Birmingham; "The Board" means the Local Government Board; "The Act of 1909" means the Housing, Town Planning, &c. Act, 1909; "The Map"\* means the Map which has been prepared in duplicate, each of such duplicates being sealed with the Official Seal of the Board and marked "Map referred to in the Quinton, Harborne, and Edgbaston Town Planning Scheme," and of which duplicates one is deposited in the office of the Board and the other in the office of the Town Clerk of Birmingham.

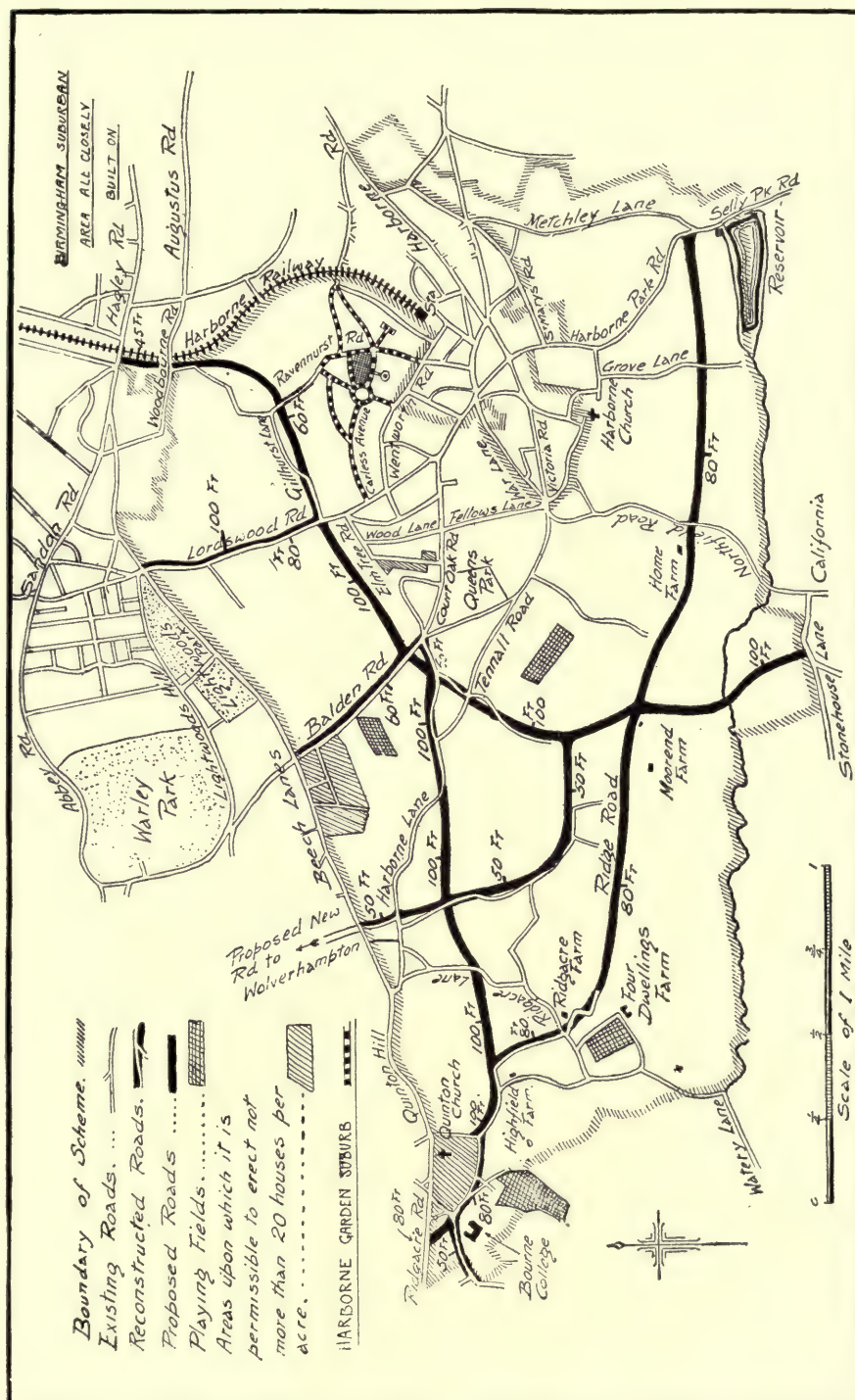
The several words or expressions which are not defined or used in Part II. of the Act of 1909, but which are defined in the Public Health Act, 1875, shall (subject as hereinafter provided) have the same several meanings when used in this Scheme as are specified in the latter Act, and land shall include any interest in land. Provided that for the purposes of Clauses 8, 9, 11, 15, 16, 17, and 31 of this Scheme "owner" shall have the same meaning as in the Public Health Act, 1875.

The enclosure numbers mentioned in this Scheme refer to those shown upon the map.

The sheets of street cross-sections appended to this Scheme and headed "Sheet A" and "Sheet B" respectively, shall, with the marginal notes thereon, operate and have effect as part of this Scheme, and are hereinafter referred to as "Sheet A" and "Sheet B" respectively.

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\* See page 615.







## RESPONSIBLE AUTHORITY.

(2) The Corporation shall be the Authority responsible for enforcing the observance of this Scheme and for the execution of any works which under this Scheme or Part II. of the Act of 1909 are to be executed by a local authority

## AREA.

(3) The area to which this Scheme shall apply (hereinafter called "the area") shall be that within the inner edge of the boundary line coloured neutral tint on the map.

## NEW STREETS.\*

(4) Save as hereinafter provided, for the purpose of this Scheme the following new streets (which expression shall include widenings) shall be constructed by the Corporation under and in accordance with this Scheme, and in the lines indicated on the map, viz. :—

STREET No. 1.—A widening to 100 feet decreasing to 80 feet of the existing highway known as Lordswood Road for its length between Hagley Road and Gilhurst Lane, and crossing Enclosures Nos. 2, 11, 13, 10, 17, 18, 16, 48, 38, 47, 39, 46, 40, 45, 72, 43, 83, 74, 82 and 75 in the Parish of Harborne.

STREET No. 2.—A new highway 100 feet wide, commencing by a junction with Lordswood Road opposite to Gilhurst Lane, crossing Balden Road, and terminating by a junction with Court Oak Road, and crossing enclosures Nos. 75, 76, 72, 71, 69, 68, 134, 135, 136, 137, 138, 140, 141, 142 and 157 in the Parish of Harborne.

STREET No. 3.—A widening to 100 feet of the existing highways known as Court Oak Road and Harborne Lane, commencing by a junction with Street No. 2, and terminating by a junction with Street No. 4, and crossing Enclosures Nos. 142, 144, 251, 249, 250, 264, 266 and 248 in the Parish of Harborne, and Enclosures Nos. 124, 52, 121, 125, and 123 in the Parish of Quinton.

STREET No. 4.—A new highway 100 feet wide, commencing by a junction with Street No. 3, at or near the gateway of the Edgbaston Golf Club, crossing the existing highways, and terminating by a junction with Street No. 5, and crossing Enclosures Nos. 120, 121, 119, 115, 61, 111, 63, 107, 64, 70, 96, 95, 71, 94, 92 and 74 in the Parish of Quinton.

STREET No. 5.—A widening to 100 feet of the existing highway known as Ridgacre Lane, between the terminus of Street No. 4 and an existing highway known as Meadow Road, and crossing Enclosures Nos. 74, 87, 75, 23, 22, 86, 84, 85, and 76 in the Parish of Quinton.

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\* Also see Estimate, page 641.

STREET No. 6.—A widening to 80 feet increasing to 100 feet of the existing highway known as Meadow Road, between the terminus of Road No. 5 and College Road, and crossing Enclosures Nos. 21, 82, 77, 16, 15 and 10 in the Parish of Quinton.

STREET No. 7.—A new highway 80 feet wide, commencing at or near the Methodist Chapel, College Road, and terminating by a junction with the main road from Halesowen to Birmingham, and crossing Enclosures Nos. 12, 4, 13 and 3 in the Parish of Quinton.

STREET No. 8.—A widening to 50 feet of the existing highways known as Spies Lane and College Road, and crossing Enclosures Nos. 12, 15 and 4 in the Parish of Quinton.

STREET No. 9.—A widening to 60 feet of the existing highway known as Court Oak Road, between the terminus of Street No. 2 and Balden Road, and crossing Enclosures Nos. 137, 138, 140 and 141 in the Parish of Harborne.

STREET No. 10.—A widening (being a portion of the intended road to California) to 100 feet of the existing highway known as Tennal Lane, commencing by a junction with Street No. 9, and terminating by a junction with Tennal Road, and crossing Enclosures Nos. 144, 249, 145, 151, 152 and 153 in the Parish of Harborne.

STREET No. 11.—A new highway (to form a further portion of the said road to California) 100 feet wide, commencing by a junction with Street No. 10, and terminating by a junction with Streets Nos. 14 and 15, and crossing Enclosures Nos. 200, 246, 148, 147, 267, 241, 268, 244, 245, 270, 271, 272, 269, 276 and 275 in the Parish of Harborne, and Enclosures Nos. 200, 201, 202, 203 and 204 in the Parish of Quinton.

STREET No. 12.—A new highway (being a further portion of the said road to California) 100 feet wide, commencing with the terminus of Street No. 11, and terminating by a junction with Stonehouse Lane in California, and crossing Enclosures Nos. 275, 274, 350, 273 and 423 in the Parish of Harborne, and Enclosures Nos. 114, 113 and 115 in the Parish of Northfield.

STREET No. 13.—A widening to 80 feet of the existing highway known as Ridgacre Lane No. 2, commencing by a junction with Street No. 5, and terminating by a junction with the existing highway known as Ridgacre Lane at or near Ridgacre Farm, and crossing Enclosures Nos. 92, 91, 93, 140 and 139 in the Parish of Quinton.

STREET No. 14.—A new highway 80 feet wide (being in part a widening of an existing highway), commencing by a junction with Street No. 13 at Ridgacre Farm and terminating by a junction with Streets Nos. 11 and 12,



and crossing Enclosures Nos. 137, 138, 159, 162, 163, 165, 164, 166, 169, 168, 170, 174, 175, 176, 215, 214, 194, 195, 208, 207, 206, 205 and 204 in the Parish of Quinton, and Enclosures Nos. 274 and 275 in the Parish of Harborne.

STREET No. 15.—A new highway 80 feet wide, commencing by a junction with Streets Nos. 11 and 12 at or near the terminus of Street No. 14, and terminating by a junction of the existing highway known as Northfield Road, and crossing Enclosures Nos. 275, 350, 351, 421, 420, 427, 428, 415, 416 and 414 in the Parish of Harborne.

STREET No. 16.—A new highway 80 feet wide, commencing at Northfield Road at or near the terminus of Street No. 15, and terminating by a junction with the existing highway known as Harborne Park Road, opposite to the "Golden Cross" public-house, and crossing Enclosures Nos. 412, 409, 408, 434, 407, 435, 406, 438, 439, 440, 441, 401, 459, 442, 457, 444, 445, 456, 446, 447, 448 and 449 in the Parish of Harborne.

STREET No. 17.—A widening to 45 feet of the existing private road between Hagley Road and Woodbourne Road, adjoining and running parallel to the Harborne railway line of the London and North-Western Railway Company, in the Parish of Edgbaston.

STREET No. 18.—A new highway partly 65 and partly 60 feet wide (being in part a widening or diversion of Gilhurst Lane), commencing at Woodbourne Road, opposite the terminus of Street No. 17, and terminating by a junction with Lordswood Road, and crossing Enclosures Nos. 52, 53 and 51 in the Parish of Edgbaston, and Enclosures Nos. 27, 28, 93, 91, 92, 90, 89, 87, 86, 85, 84, 82 and 81 in the Parish of Harborne.

STREET No. 19.—A new highway (in part) and a widening to 50 feet of an existing highway commencing at a point in the main road from Halesowen to Birmingham, where it crosses the Elan aqueduct and terminating by a junction with Street No. 11, and crossing Enclosures Nos. 33, 34, 35, 58, 62, 61, 111, 115, 108, 109, 110, 114, 113, 112, 131, 104, 132, 179, 180, 181, 182, 178, 184, 183, 186, 185, 190, 192, 191, 193, 198, 199, 202, and 200 in the Parish of Quinton.

STREET No. 20.—A widening to a width of 50 feet of the existing highway known as Ravenhurst Road for its length between the junction of Northgate and the Street No. 18, and crossing Enclosures Nos. 90, 91, 92, 88 and 94 in the Parish of Harborne.

STREET No. 21.—A widening to 50 feet of the existing highway known as Ravenhurst Road between Wentworth Road and the southern boundary of the Harborne Tenants Estate, in the Parish of Harborne.



STREET No. 22.—A widening to a width of 60 feet of the existing highway known as Balden Road between Beech Lane and Court Oak Road crossing Enclosures Nos. 49 and 51 in the Parish of Quinton and Enclosures Nos. 254, 253, 157, 140, 138, 137, 136, 64, 255 and 256 in the Parish of Harborne.

STREET No. 23.—A widening on the south side to a width of about 75 feet, diminishing to about 55 feet, of the existing highway known as Hagley Road for its length between Lordswood Road and a point 130 yards or thereabouts to the east of Barnsley Road, crossing Enclosures Nos. 4 and 6 in the Parish of Harborne and Enclosure No. 46 in the Parish of Edgbaston.

Provided always that, with the consent of the Corporation, the new streets above described, or any of them or any part thereof, may be constructed by any person other than the Corporation on such terms as to cost as the Corporation may agree.

#### TIME FOR CONSTRUCTING STREETS.

(5) The said new street described in Clause 4 of this Scheme, and numbered 2, shall be completely constructed at once, and the remainder of the said new streets described in such clause shall be commenced at the discretion of the Corporation, subject to the right of any person aggrieved by the delay of the Corporation in commencing any of such remaining streets to appeal under Clause 32 hereof. Streets shall be deemed to have been commenced within the meaning of this clause as soon as they are cut or laid out to formation level and the bottom layer of the foundation has been laid thereon.

#### COMPLETION OF STREETS.

(6) With regard to any one of the new streets described in Clause 4 of this Scheme, the Corporation shall complete the construction of the carriageway and footways thereof, if and when not less than 75 per cent. of the total frontage to the street shall have been built up to or appropriated as curtilages for buildings in existence at the time, and any necessary drains, gas, water, or other services in connection with the buildings in the street have been laid, but otherwise (subject to Clause 5 hereof) the said new streets shall, subject to the right of any person aggrieved by the delay of the Corporation in completely constructing the same to appeal under clause 32 hereof, be completely constructed by the Corporation at such respective times as they shall determine in each case. Provided that any street 100 feet wide to be constructed by the Corporation of the A2 type of cross-section shown on Sheet A shall be deemed to be constructed within the meaning of this clause when so much of it shall have been completed as appears in Street Cross-section A2 primary section shown on Sheet A. Provided further that any such street 100 feet wide may be constructed as appears in Street Cross-section A2 ultimate section, as shown on Sheet A, as and when the Corporation shall think fit.

## METHOD OF CONSTRUCTING STREETS; BUILDING LINES.

(7)—(a) The numbers in the first column of the following table refer to the numbers of the new streets described in Clause 4 of this Scheme, and the numbers in the second column of such table refer to the numbers of the street cross-sections shown on Sheet A,\* and the respective streets numbered in the said first column shall be constructed in accordance with the respective street cross-sections shown opposite thereto in the said second column.

TABLE REFERRED TO.

No. of New Street.	No. of Cross-section.
1, 3	A 1
2, 4, 5, 10, 11, 12	A 2
6, 7, 13, 14, 15, 16, 23 (partly)	A 3
9, 18, 22	A 4
8, 19, 20, 21	A 5
17	A 6

Provided that in the case of any street not of the same width throughout, so much of the length of such street as varies in width from such of the street cross-sections shown on Sheet A as is applicable to the street in question shall be carried out in such manner as the Corporation think fit.

(b) Subject to any right of appeal conferred by Clause 32 of this Scheme, all streets in the area constructed otherwise than by the Corporation shall be constructed in conformity with the provisions of this Scheme, with such turning and crossing places and access ways from the carriageway to the forecourt, and of such materials, of such widths (not exceeding 60 feet, except by agreement), on such sites, and generally in such manner as shall be required by the Corporation, and shall not be commenced until all notices required by the bye-laws for the time being in force in the City of Birmingham shall have been first sent to the Corporation, and until all plans and sectional drawings so required shall have been first submitted to and approved of by the Corporation. The mode of construction of any such street shall conform to such one of the street cross-sections, shown on Sheet B, as shows the width between the forecourts required under this clause, or to such other street cross-section submitted by the owner as the Corporation may in any particular case approve. Provided that where any street cross-section

\* See page 623.



shall have been determined under this clause the Corporation may require that the street in question shall be constructed according to a cross-section involving greater cost in construction, in which case the street shall be constructed in conformity with the last mentioned cross-section, and the additional cost shall be borne by the Corporation.

(c) The building lines in respect of the new streets described in Clause 4 of this Scheme shall be those shown on the map.

(d) Where the building lines shown on the plans submitted to the Corporation for approval vary from those shown on Sheet B,\* and applicable to the street in question, they shall be subject to the approval of the Corporation; and in any existing street, where no building line is shown on the map, the Corporation may determine the building line when any plan for any building in such street is submitted to them for approval, provided that such building line shall not be less than 36 feet or except by agreement more than 41 feet from the centre of such street.

(e) No building or other erection other than a boundary wall or fence shall be constructed nearer to the centre of the street than the building line applicable to the street in question shown on the map, or on Sheet B, or approved or determined as aforesaid.

(f) Any consent of the Corporation under Section 3 of the Public Health (Building in Streets) Act, 1888, shall not be unreasonably withheld.

(g) The expression "any house or building," where it first occurs in such section, shall be deemed to include any hoarding or similar structure used or adapted for use for the purpose of advertising.

(8) In the event of the owners representing not less than threequarters of the total length of frontage to a street requesting the Corporation to pave the footpaths, the Corporation may, if they deem it desirable so to do, take up the gravel and lay paving in lieu thereof, and declare the cost to be private improvement expenses in which case such cost shall be dealt with in the same way as private improvement expenses under the Public Health Act, 1875.

#### STREET PLANS FOR ADJOINING ESTATES.

(9) In addition to any powers now or hereafter conferred upon them by Section 17 of the Public Health Acts Amendment Act, 1907, or any Act amending the same, the Corporation, whenever any plan for a new street within the area shall be submitted to them for approval, may, by notice in writing, require any owner or owners of any estate or lands within the area, the development of which will be affected by the construction of such street, to furnish to the Corporation, at the expense of such owner or owners, and within a reasonable time to be specified in such notice, plans and particulars showing generally a scheme for the development or laying out of such estate or lands.

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\* See page 624.



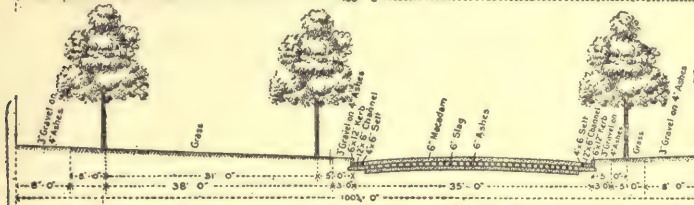
QUINTON AND HARBORNE TOWN PLANNING SCHEME.  
STREET CROSS-SECTIONS.

Sheet A.

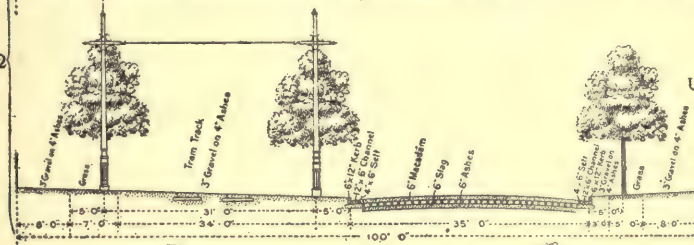
Section A1.



Primary Section.



Section A2

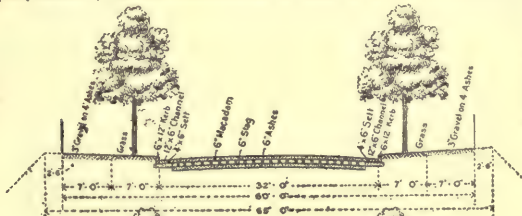


Ultimate Section.

Section A3.

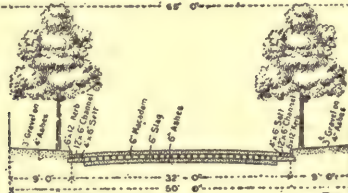


Section A4.



NOTE.—When a street constructed in accordance with Section A4 is on an embankment it shall have an additional width of 2' 6" of earthwork beyond the boundary fences on each side, making a total width of 65' 0", as indicated by dotted lines on the diagram section.

Section A5.



NOTE.—Roads Nos. 20 and 21 to be in accordance with Section A5, except that the footpaths shall be constructed of 2½" granolithic concrete flagging, instead of being formed in gravel.

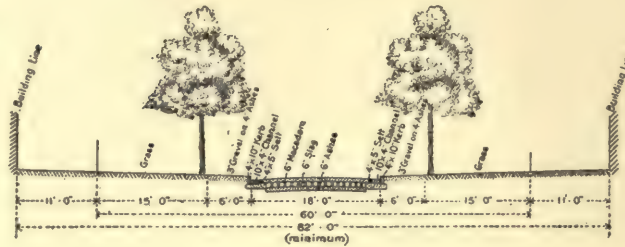
Section A6.



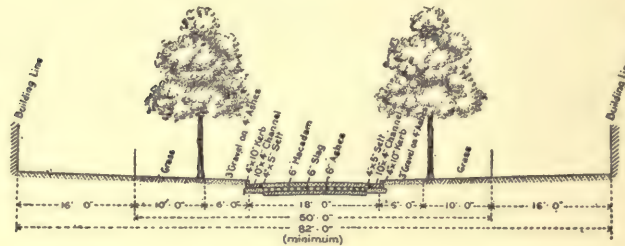
# QUINTON AND HARBORNE TOWN PLANNING SCHEME. STREET CROSS-SECTIONS.

## Sheet B.

Section B1.

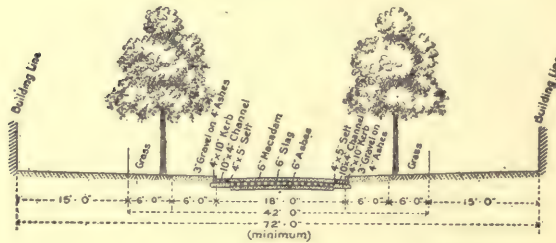


Section B2.

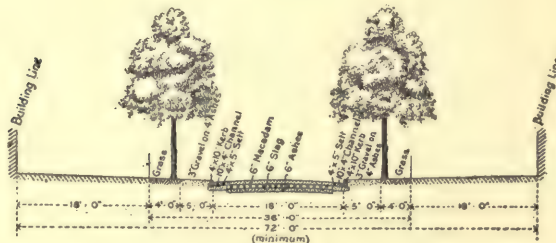


NOTE re Sections B1, B2, B3, and B4.  
The footpaths may adjoin the forecourts instead of adjoining the kerb, and the positions of the trees may be varied as the Council may direct.

Section B3.

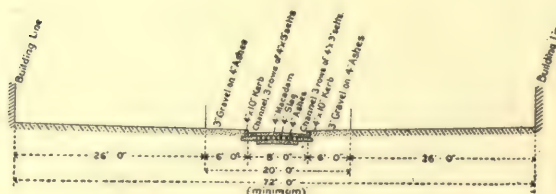


Section B4.



NOTE.—The carriageway of Sections B3 and B4 may be reduced to 14 feet in width, provided that each grass margin be increased by 2 feet, the street limited to a length of 200 feet, with a sufficiently wide turning-place at the far end within the length of 200 feet, and the street lead out of another street having a width of not less than 42 feet between the forecourts and a carriageway of not less than 18 feet in width. In the event of the carriageway being reduced in accordance with the stipulation above set forth, the depth of the subsoil, slag, and macadam may be reduced from 6" to 5" of each material.

Section B5.



NOTE.—A street constructed in accordance with Section B5 must not exceed 100 feet in length and must have a sufficiently wide turning-place at the far end of the carriageway within the 100 ft. length. Such street must lead out of another street having a width of not less than 36 feet between the forecourts and a carriageway of not less than 18 feet in width.

## INCIDENTAL STREET WORKS.

(10) So far as the Corporation may deem necessary, they may require that any person constructing or laying out streets in the area shall fence the same and plant them with trees, and that he shall provide and construct all proper approaches, embankments, bridges, arches, girders, retaining walls, culverts, drains, works, and conveniences connected therewith or incident thereto; and for the purpose of commencing or constructing any of the new streets described in Clause 4 of this Scheme the Corporation may provide and construct all such works as aforesaid as may be necessary.

## COST OF CONSTRUCTING STREETS.

(11) The cost of construction of streets shall be defrayed in the following manner: In the case of any street in the area constructed otherwise than by the Corporation the whole cost shall be defrayed by the person constructing the street, unless the Corporation shall agree (and they are hereby empowered to agree) with such person to contribute to the cost. The Corporation shall construct wholly at their own expense the new streets described in Clause 4 of this Scheme, and numbered 1, 6, 7, 8, 9, 17, 21, 22 and 23. In the case of any other of the said new streets, the whole cost shall be defrayed in the first instance by the Corporation, but (with the exception of the said new streets numbered 1, 6, 7, 8, 9, 17, 21, 22 and 23) the owner of any land deriving benefit from the said street shall (unless the Corporation otherwise agree with him) if and as soon as any such land shall be brought into rating for other than agricultural purposes repay to the Corporation a contribution towards the cost not exceeding £3 10s. per yard of the frontage of his land to the said street, or (at the option of the Corporation) equal to such sum as may represent the degree of benefit accruing to his land whether fronting to or communicating with the said street from the construction of such street. The amount of such contribution in either case shall be assessed by the Surveyor for the time being of the Corporation, and approved of by them, and from their decision as to the amount or degree of benefit any owner may within two calendar months from such decision appeal to the Board or to an arbitrator mutually agreed upon.

## MAINTENANCE OF STREETS.

(12)—(a) The Corporation shall maintain in a condition suitable for public traffic until constructed any of the new streets described in Clause 4 of this Scheme, the construction of which shall have been commenced by them within the meaning of Clause 5 of this Scheme, and which shall have been opened for public traffic.

(b) Any streets constructed by the Corporation shall thereafter be maintained by them as public highways.

(c) Streets constructed otherwise than by the Corporation, if originally constructed in accordance with this Scheme to the satisfaction of the Corporation or



their duly authorised officer, and subsequently made up and completed to the like satisfaction under any statutory enactment, shall, when, but unless otherwise agreed not till, they have to the extent of 75 per cent. of their total frontage been built up to or appropriated as curtilages for buildings in existence at the time and the necessary services as referred to in Clause 6 of this Scheme have been laid, be taken over and thereafter maintained by the Corporation as public highways.

(d) For the purpose of this clause Section 59 of the Birmingham Corporation (Consolidation) Act, 1883, shall be suspended.

#### GRASS MARGINS, &c.

(13)—(a) In the case of any of the new streets described in Clause 4 of this Scheme the Corporation may plant bushes and shrubs therein, and may erect guards or fences for the protection of such bushes and shrubs, and of any embankments and grass margins, and may thereafter maintain, alter, or renew the same, and may take such steps as seem to them desirable to maintain all trees, bushes, shrubs, and grass margins in the streets in good order and condition.

Provided that the powers of the Corporation under this clause shall not be exercised, nor shall any bushes or shrubs so planted be continued, so as to hinder the reasonable use of the street by the public or any person entitled to use the same, or so as to become a nuisance or injurious to any adjacent owner or occupier.

(b) In the case of any other street for the time being constructed in the area the Corporation may (subject to the last-mentioned proviso) require the person constructing the same to maintain in good order and condition until the street is taken over by the Corporation all trees and grass margins and embankments therein, and to make and so maintain any proper guards and fences to the same.

(c) No communication shall be made across any grass margin so as to afford access to any premises from any street at any time constructed in the area, except upon the same conditions as under Section 58 of the Birmingham Corporation Act, 1903, are applicable to communications across kerbed or paved footpaths, and for the purpose of this Scheme the provisions of that Section (including the provisions relating to offences and penalties) shall apply, and be read as if the words "or grass margin" were inserted in the section after the words "footpath" and "footway" wherever such words respectively occur.

#### WILFUL DAMAGE.

(14) No person shall wilfully damage any tree, shrub or plant, or grass margin in any street, or any fence or guard erected thereon.

#### MODIFICATION OF STREETS.

(15) The Board may sanction any modification in detail with reference to the position, construction, or widening of any of the new streets described in Clause 4 of this Scheme, which at any time and from time to time may be agreed upon between the Corporation and the owner or owners interested.

Provided that no such sanction shall be given until the expiration of 21 days from the date on which notice has been first given by advertisement in some newspaper circulating in the City of Birmingham, to the effect that the Corporation have applied under the authority of this clause for the sanction of the Board to a modification described in the notice, and that any person objecting to such sanction being given may within such 21 days give written notice of his objection to the Board, who shall take any such objection into their consideration before granting any sanction as aforesaid.

#### DIVERSION OR STOPPING UP OF HIGHWAYS.

(16) The respective public highways described below shall as from, but not until, the respective dates on which the said proposed new streets set opposite each (or where more than one, the last of them to be constructed and opened as herein mentioned) shall respectively have been constructed to an extent rendering them suitable for all traffic, and opened for public traffic, be deemed to be diverted or stopped up, and all public rights thereover shall cease as from such respective dates. The soil up to the middle line of such highways shall thereupon be deemed to vest in the owners of the freehold of the land, abutting upon such highways subject always to the rights of the Corporation and others being reserved in regard to sewers, gas and water mains, electric wires, and other works, but the road materials on highways diverted or stopped up may be removed by the Corporation, without payment, if they so desire within six months of such respective dates.

The highways above referred to are as follows:—

Description of Highway to be diverted or stopped up.	Number of new Street.
The footpath or highway leading between the main road from Halesowen to Birmingham and College Road .. ..	7
So much of the existing highway between the Hawthorns and World's End as is not included in the said Street No. 19	19
So much of the footpath or highway leading between the north end of Grosvenor Road and the south end of Balden Road, as lies to the west of its junction with the footpath connecting it in a north-westerly direction with Beech Lanes	2
The footpaths or highways crossing Enclosures Nos. 129, 128, 127 and 198 in the Parish of Quinton, and 267 in the Parish of Harborne (excepting the footpath running north and south on Enclosure No. 129 aforesaid) .. ..	11 and 19
The portion of the highway known as Tennal Road between Court Oak Road and Tennal Lane .. ..	3 and 10
	MM



Gilhurst Lane, so far as it is not included in the said Street No. 18, and the highway from the said Street No. 18 near Lower Ravenhurst to Woodbourne Road, so far as it is not included in the same Street No. 18 .. .. .	18
The highway or footpath leading from Ravenhurst Road to Lordswood Road forming Enclosure No. 88 in the Parish of Harborne .. .. .	18
The highway or footpath leading from Upper Ravenhurst to the corner of Meadow Road, and forming Enclosures Nos. 50 and 23, in the Parishes of Edgbaston and Harborne respectively .. .. .	18
The highway or footpath leading from Tennal Road to the point where such highway or footpath will cross the said Street No. 14, crossing Enclosures Nos. 147, 268 and 270, in the Parish of Harborne, and Nos. 201, 202 and 206 in the Parish of Quinton .. .. .	14 and 11
The footpaths or highways (between Ridgacre Farm, World's End, and the Old Quarry in Enclosure No. 273, in the Parish of Harborne), crossing the following Enclosures in the Parish of Quinton, viz.: 162, 165, 167, 133, 171, 173, 177, 179, 188, 215 (excepting the footpath or highway running north and south through the two last-mentioned Enclosures), 214, 194, 206 (south of New Street No. 14), and 244, also Enclosure No. 273, in the Parish of Harborne .. .. .	14
The highway or footpath leading from Northfield Road by the Home Farm, westerly to the Old Quarry, and crossing the following Enclosures in the Parish of Harborne, viz.: 416, 420, 421, 425, 351 and 350 .. .. .	15
The highway or footpath leading from Northfield Road in a south-easterly direction past Weymoor Farm to Grove Lane, and crossing the following Enclosures, in the Parish of Harborne, viz.: 410, 408, 434, 435, 437 and 461 .. .. .	16

In the construction of any of the new streets referred to in this clause the Corporation shall (if required by the owner and at his expense) do all that may be necessary for transferring to the new street or for abandoning any sewers, gas or water pipes, electric wires, or other works lying in the highways to be diverted or stopped up, and shall provide proper service pipes from the mains in the new street to connect up with any property now or hereafter being served by any sewers,



pipes or works so transferred or abandoned. No such transfer or abandonment shall take place until notice shall have been given to any statutory undertakers affected, who may if they require do the necessary work themselves and charge the reasonable cost thereof against the Corporation, who may recover the same from the owner. Until any such work is completed the Corporation or other owner of any such pipes, sewers, or works shall have full access to, and the same powers with regard to, the same as they previously had.

#### NUMBER OF DWELLING HOUSES AND OTHER BUILDINGS.

(17)—(a) In this clause "dwelling-houses" shall mean houses designed for occupation by not more than one family, together with such outbuildings as are reasonably required to be used or enjoyed therewith.

(b) In reckoning the number of dwelling-houses to be erected to an acre all roads and private open spaces constructed or to be constructed and set apart or to be set apart by the owner of the lands in question, and half of the width of the highways repairable by the inhabitants at large upon which the said lands abut, shall be included in the measurement of the acre, but no account shall be taken of public open spaces acquired, otherwise than by gift subsequent to the making of this Scheme, or leased by the Corporation, or of the sites of the shops and other buildings mentioned in and approved under sub-clause (c) (iii) of this clause; and subject to the provisions of this clause an acre shall be measured so as to include such land as the Corporation in each case having regard to all the circumstances determine by the Order to be made under sub-clause (c) (iii) of this clause.

(c) The following provisions as to the dwelling-houses and other buildings which may be erected in the area shall have effect:—

- (i) The number of dwelling-houses on any one acre shall not exceed twenty;
- (ii) When a plan is submitted for the approval of the Corporation in regard to the erection of any building on any land included in the area which has not been previously made or included in a land unit under this clause, then:—

If at that time the owner of the land does not own any other land in the area which is not included in a land unit the land included in the building plan shall constitute a land unit for the purposes of this clause.

If at that time the owner of the land owns other land in the area which is not included in a land unit

there shall be submitted to the Corporation by the owner an estate plan in duplicate showing the whole of the land of such owner in the area but not included in a land unit; and the Corporation shall thereupon determine whether the land included in the building plan shall constitute by itself a land unit or whether all or any part of the remaining land of such owner shall at that time, having regard to the effect of the development of the land included in the building plan, be added to the last-mentioned land to form a land unit, and shall show on each copy of the estate plan the land they determine shall form a land unit and return one copy of the plan to the owner.

- (iii) The owner before commencing to erect any dwelling-house or other buildings on the land unit shall deposit with the Corporation a statement of the number and description of the dwelling-houses or other buildings which he desires to erect on the land unit, and subject to sub-clauses (c) (vi) and (d) of this clause the Corporation shall as soon as practicable by order sanction the maximum number of dwelling-houses which may be erected on the land unit, or on each acre or other portion of the land unit, and sanction the number and define the character or purposes of the other buildings to be erected thereon, but in no case shall the Corporation approve the erection of a greater or require the erection of a less number of dwelling-houses on the land unit than will give an average over the land unit of 12 to the acre. The Corporation shall also include in the Order such further provision as may be necessary in pursuance of sub-clause (b) of this clause in regard to the measurement of the acre. Any such Order shall be forthwith communicated to the owner and shall, subject to any appeal as hereinafter provided, be binding on the owner and every successive owner of the land unit or any part thereof until revoked or altered, and no dwelling-houses or other buildings shall be erected on any land in the area in the absence or in contravention of any Order made under this clause or when erected be used or adapted for purposes other than those defined; and the Corporation shall keep a register of such Orders, and a map showing all land units, which register and map shall be open to inspection by any person interested.

- (iv) If, after any Order as aforesaid has been made, part of the land unit to which the Order relates is sold or let on building lease, and the Order only specifies the number of dwelling-houses which may be erected on the part of the land unit so sold or let together with the remainder of the land unit or some part thereof, the number of dwelling-houses to be erected on the part so sold or let and the part not so sold or let respectively shall, subject to the maximum number sanctioned by the order of the Corporation not being exceeded and subject also to sub-clause (c) (i) of this clause, be a matter for agreement between the owners of the respective parts or be determined by the Corporation in default of such agreement.

The Corporation may at any time, on the application of any owner, review any such order and by further order revoke, alter, or amend the same, provided that the number of dwelling-houses on the land unit shall never be greater than will give an average over the unit of 12 to the acre, and any revocation, alteration, or amendment of the order shall be registered, and be binding in like manner as aforesaid.

- (v) Notwithstanding anything in this clause contained, there shall, in respect of the lands edged vermilion on the map, be substituted, for the above mentioned limit of 12 dwelling-houses to the acre on the average over any land unit, a limit of 20.
- (vi) By the consent of the Corporation, but not otherwise, such consent to be expressed by sanction as aforesaid in the orders to be made under sub-clause (c) (iii) of this clause, there may be erected in the area such shops or buildings other than dwelling-houses as the Corporation may think fit. Provided always that such shops or buildings shall conform in all respects to the Acts and byelaws in force for the time being in the area and applicable thereto. The Corporation before giving any such consent shall give public notice of their intention by advertisement in some local newspaper circulating in the City of Birmingham, and if no appeal against the giving of such consent shall be made to the Board under sub-clause (d) of this clause the Corporation may proceed to give such consent in manner aforesaid.

Any decision of the Corporation to withhold consent to the erection of shops or buildings other than dwelling-houses shall be communicated forthwith to the owner.



(d) Any person aggrieved by any determination of a land unit by the Corporation, or by any proposal to give or by any withholding of consent to the erection of shops or buildings other than dwelling-houses, or by any order of the Corporation (except so far as it gives consent to the erection of shops or buildings other than dwelling-houses) under the foregoing provisions of this clause, may appeal to the Board within twenty-one days (1) after the determination shall have been communicated to the owner, or (2) after the date of the advertisement of a proposal to give consent as aforesaid or after the decision to withhold consent shall have been communicated to the owner or (3) after the order as aforesaid shall have been made and communicated to the owner, as the case may be; whereupon the Board, if they are satisfied that the appellant is affected in regard to the matter appealed against, shall take the appeal into their consideration and make such order as they may think just, and such order shall be final and binding on all parties concerned.

#### BREAKS IN BUILDING.

(18) Not more than eight dwelling-houses shall in any place be built under one continuous roof or without a break in building down to ground level, and no such break shall be of less width than 5 feet.

#### AIR SPACE.

(19) No building, wall or erection of any kind shall be built or erected, and no addition shall be made to any building, wall or erection, which (if built, erected or made) would be so situate that by reason of its proximity to or contact with any other buildings it would—

- (a) Stop or impede ventilation, or would otherwise make or conduce to make such other buildings, in a condition unfit for human habitation or dangerous or injurious to health; or
- (b) Prevent proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings.

#### LANDS SET APART FOR PURPOSES OF SCHEME.

(20) The following lands shall be deemed to be set apart for the purpose of this Scheme, viz. :—

(a) For the purpose of Parks and Open Spaces.

- (i) Enclosures Nos. 80 and 81 and part of 15, in the Parish of Quinton, as hatched green and marked A on the map.
- (ii) Part of Enclosure No. 153, in the Parish of Quinton, as hatched green and marked B on the map.

(iii) Part of Enclosure No. 251, in the Parish of Harborne, as hatched green and marked C on the map.

(iv) Parts of Enclosures Nos. 240 and 279, in the Parish of Harborne, as hatched green and marked D on the map.

The Corporation shall have the like powers in regard to the said lands, or any of them, when acquired by the Corporation, as if the same were acquired for the purposes of public walks and pleasure grounds under the Public Health Acts.

(b) Any other lands which are shown on the map as set apart for the purpose of this Scheme, including the sites of the new streets described and of any necessary slopes or accessory works in connection therewith.

#### NOXIOUS TRADES.

(21) Except on lands already so used or appropriated therefor no clay shall be burnt nor shall any bricks or tiles be made or burnt, nor any dangerous, noxious, or offensive trade, manufacture, business, or process be carried on in the area; and no factory of any kind shall be erected in the area, except with the consent of the Corporation under Clause 17 (c) (iii) and (vi) of this Scheme, and no manufacturing business shall be carried on therein without such consent.

#### NUISANCES IN GARDENS, &c.

(22) All private gardens, private open spaces, or private allotments shall be kept in such a state as not to be a nuisance or annoyance to neighbours or to persons using the highways. The Corporation may, on the report of their Surveyor, serve notice on any person or persons, whether individually or jointly owning, occupying, or using any such lands as aforesaid, requiring that the nuisance or annoyance shall be abated within a reasonable time to be specified in such notice, and in default of compliance with such notice the Corporation may do what is necessary to abate the nuisance or annoyance, and may recover the cost from the person or persons served with the notice or from any one or more of them.

#### ADJUSTMENT OF BOUNDARIES.

(23)—(a) It shall be lawful for the Corporation for the purposes of securing the proper laying out or development of any estate or lands within the area in respect of or in connection with which any of the new streets described in Clause 4 of this Scheme are to be constructed, or any plans for any other new streets to be constructed in the area or submitted to the Corporation for approval, to require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands within the area adjacent or near thereto, and for effecting such exchanges of lands as may be necessary or convenient for such purposes,



and the provision to be so made and the terms and conditions upon which such provision is to be made shall, failing agreement between the Corporation and the respective persons interested in such estates or lands, on the application of the Corporation or any such person, be determined by an arbitrator to be appointed by the Board, and the Corporation may, for securing the execution of any such purposes, agree to pay, and may and shall pay to any such person or persons such sums as may be agreed upon or, in default of agreement, be determined by arbitration as aforesaid, provided that the payment of money by any such person shall not be made a term or condition of any award made under this clause otherwise than with his consent.

(b) Any award made under the provisions of this clause shall operate to effect any adjustment or alteration of boundaries or exchange of lands which may be provided for by such award, or be necessary for giving effect thereto, and shall be duly stamped accordingly, and the costs, charges, and expenses of any such arbitration shall, unless and except in so far as the award shall otherwise provide, be borne and paid by the Corporation.

(c) Any lands or moneys received by any person in or in respect of an adjustment or alteration of boundaries or exchange of lands under the provisions of this clause shall be held by such person subject to the same trusts (if any), and any lands so received shall also be held subject to the same covenants, restrictions, and conditions (if any), as the lands exchanged therefor.

(d) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid, the Corporation may themselves purchase subject to the provisions of the Act of 1909 any land, and may sell or lease the same in whole or in part at such time or times, at such price or prices, and on such conditions as they may think fit, or may appropriate the same for any public purpose approved by the Board, and until such sale or appropriation may occupy, manage, or let the same or any part thereof in such manner as the Corporation may think reasonable.

#### CLAIMS FOR COMPENSATION OR BETTERMENT.

(24) Claims under Section 58 of the Act of 1909 for compensation or in respect of any increase in value of property shall be made within twelve months from the date of the approval of this Scheme by the Board.

Provided that in the case of any such claim arising under the provisions of Clause 7 (b) of this Scheme, the claim shall be made within twelve months from the date of a requirement of the Corporation under that sub-clause, or in the event of an appeal against such requirement within twelve months from the date of the order of the Petty Sessional Court or Court of Quarter Sessions on any such appeal.



## ENTRY FOR INSPECTION, &amp;c.

(25)—(a) The Corporation or any of their officers or servants, on production of the written authority of the Corporation, shall be admitted into or upon any property in the area for the purpose of any inspection necessitated by the provisions of this Scheme or for the purpose of enforcing any of such provisions at any time between the hours of 9 in the forenoon and 6 in the afternoon.

(b) If admission for any of the purposes of this clause is refused any Justice on complaint thereof on oath by any officer of the Corporation (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the property) may by order under his hand require such person to admit the Corporation and their officers and servants into or upon such property during the hours aforesaid, and if no person having such custody can be found the Justice shall, on oath made before him of that fact, authorise the Corporation and their officers and servants to enter such premises during the hours aforesaid.

(c) Any such order made by a Justice shall continue in force until the purposes for which such admittance was required shall have been fulfilled or executed.

## ENFORCEMENT OF SCHEME.

(26) In addition to and notwithstanding any other procedure or remedy, any person committing or knowingly permitting any breach or non-observance of any of the conditions of this Scheme shall be guilty of an offence, and shall be liable on conviction in any Court of Summary Jurisdiction to a penalty not exceeding 40s. for each offence, and to a further penalty not exceeding 20s. for each day upon which any offence is continued after conviction or after notice in writing of the offence has been served by the Corporation or by any party interested on the party charged.

## WORKS CONTRAVENING SCHEME.

(27)—(a) Where it appears to the Corporation that any building or other work in the area is at any time such as to contravene this Scheme, or that in the erection or carrying out of such building or other work any provision of this Scheme has not been complied with, or that any person has failed to execute any work which it is the duty of such person to execute under this Scheme and it appears to the Corporation that delay in the execution of the work would prejudice the efficient operation of this Scheme, the person by whom, at whose order, or on whose behalf such building shall have been erected, or such work shall have been begun or done, or the person who has failed to execute any work as aforesaid, shall (by a notice in writing signed by the Town Clerk and served upon such person, and containing a copy of Section 57 of the Act of 1909 and of this clause) be required on

or before such day as shall be specified in such notice (not being less than one calendar month from the date of service of such notice), by a statement in writing under his hand or under the hand of an agent duly authorised in that behalf and served upon the Corporation, to show sufficient cause why such building or other work should not be removed, pulled down or altered, or be executed by the Corporation.

(b) If at the expiration of the notice such person shall have failed to show sufficient cause why such building or other work should not be removed, pulled down or altered, or (as the case may be) be executed by the Corporation, and it shall not have been notified to the Corporation by such person or by the Board that such person has referred any question to the Board under sub-section (3) of Section 57 of the Act of 1909, the Corporation, after giving such person notice that at the expiration of a further period specified in the notice (not being less than 14 days from the date of service of such notice) they intend to exercise their powers under Section 57 of the Act of 1909, may proceed to remove, pull down or alter, or execute such building or work (as the case may be). Provided that a power proposed to be so exercised shall not be exercised pending the determination of any question referred to the Board under sub-section (3) of the said section in relation to the building or other work in respect of which that power is proposed to be exercised, and of which reference the Corporation shall have received written notice within the last-mentioned period.

(c) When on any question referred to the Board under sub-section (3) of the said section it is determined that any building or work contravenes this Scheme, or that any provision of this Scheme is not complied with in the erection or carrying out of any such building or work, the Corporation, after giving such person as aforesaid notice that at the expiration of a period specified in the notice (not being less than one calendar month from the date of service of such notice), they intend to exercise their powers under the said section, may proceed to remove, pull down or alter any such building or work.

#### AGREEMENTS.

(28) The Corporation may, subject to the approval of the Board, make any agreements they think fit with any person or persons for the purpose of carrying out this Scheme or any part thereof or any adjustment in connection therewith. Any provision in any such agreement shall be void if inconsistent with this Scheme, but otherwise all such agreements shall have full force and effect, and shall be deemed to apply to and bind all persons parties to such agreements and all successors in title to such persons.

SUSPENSION AND APPLICATION OF ACTS AND BYELAWS.

(29)—(a) So far as necessary for the proper carrying out of this Scheme :—

- (1) The following enactments contained in public general Acts shall be suspended in the area, namely :—

The Highway Act, 1835, in regard to the stopping up and diversion of highways, so far as regards the highways referred to in Clause 16 of this Scheme ; and

Section 41 of the Public Health Acts (Amendment) Act, 1890, if and so far as the same is in force in the area.

- (2) All other statutory enactments, not being contained in a public general act, and all bye-laws, regulations or other provisions under whatever authority made, which are in operation in the area shall be suspended.

(b) Except as aforesaid and subject to the provisions of this Scheme, all statutory enactments, bye-laws, regulations, or other provisions, which are in operation in the area shall continue to be in full force therein, and nothing in this Scheme shall prevent the adoption or putting in force at any time in the area of any adoptive Act or of any part thereof, or the making of new bye-laws to apply therein. Provided that the adoption or putting in force of such Act and the making of such bye-laws shall have been confirmed and sanctioned as required by law.

(c) For the purposes of this Scheme Sections 8, 9 and 276 of the Birmingham Corporation (Consolidation) Act, 1883, shall be deemed to apply.

DISPOSAL OF LANDS, APPROPRIATION, &c.

(30) Whenever in the area the Corporation may acquire any land under or for the purposes of this Scheme the Corporation may dispose of any part of such land not required for that purpose, or may apply such land not so required, or any part thereof, to some other purpose approved by the Board.

RECOVERY OF EXPENSES BY CORPORATION FROM OWNERS.

(31)—(a) Where the Corporation have incurred expenses for the repayment whereof the owner of the premises deriving benefit therefrom or for or in respect of which the same shall have been incurred, is made liable under this Scheme or the Act of 1909, or by any agreement with the Corporation, such expenditure may be recovered in a Court of Summary Jurisdiction, together with interest at a rate



not exceeding Five pounds per centum per annum from the date of service of a demand for the same till payment thereof from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and until recovery of such expenses and interest the same shall be a charge on the premises deriving benefit therefrom, or for or in respect of which they were incurred. In all summary proceedings by the Corporation for the recovery of any such expenses the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

(b) The Corporation may by order declare any such expenses to be payable by annual instalments within a period not exceeding 30 years, with interest at a rate not exceeding £5 per centum per annum from the date of the service of notice of demand until the whole amount is paid, and any such instalments and interest or any part thereof may be recovered in a summary manner from the owner for the time being of such premises, and may be deducted from the rent of such premises in the same proportions as are allowed in the case of private improvement rates under the Public Health Act, 1875.

(c) The Corporation if they think fit from time to time (in addition and without prejudice to any other remedy) may recover in a Court of Summary Jurisdiction or as a simple contract debt by action in any Court of competent jurisdiction from the owner for the time being of any such premises the whole or any portion of any such expenses and interest.

(d) Any expenses incurred by the Corporation under Section 57 of the Act of 1909 which are not expenses recoverable as hereinbefore provided may be recovered by the Corporation in any Court of Summary Jurisdiction, or as a simple contract debt by action in any Court of competent jurisdiction, from the person by whom, at whose order, or on whose behalf, any building or other work contravening this Scheme shall have been erected or done, or whose duty it was to execute the work executed by the Corporation.

#### RECOVERY OF BETTERMENT.

(e) Where the value of any land is increased by the making of this Scheme, the sum lawfully required to be paid in respect of that increase shall, until payment, be a charge on the inheritance of such land, and such sum may if required to be paid otherwise than by instalments, be dealt with and recovered in the same way that expenses may be dealt with and recovered under this clause, or if required to be paid by instalments, any arrears of such instalments may be dealt with and recovered in the same way as instalments of expenses in arrear may be dealt with and recovered under this clause.

## APPEAL TO PETTY SESSIONAL COURT.

(32)—(a) Any person deeming himself aggrieved by :—

- (1) Any delay of the Corporation in regard to commencing or completely constructing new streets as to which it is indicated in Clause 5 or Clause 6 of this Scheme that there may be an appeal ;
- (2) Any requirement of the Corporation under sub-clause (b) of Clause 7 of this Scheme ;
- (3) Any delay of the Corporation in giving any approval referred to in sub-clauses (b) and (d) of Clause 7 of this Scheme ;

may (in the case of an appeal against delay) after giving one calendar month's notice to the Corporation of his intention to appeal, or (in the case of an appeal against any requirement) within two calendar months from the date of such requirement, appeal to a Petty Sessional Court, and such Court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the Court shall seem just.

(b) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the Petty Sessional Court may direct.

## APPEAL TO QUARTER SESSIONS.

(33) Any person deeming himself aggrieved by any conviction or order made by a Petty Sessional Court under or pursuant to the provisions of this Scheme may, if no other mode of appeal is provided by this Scheme or any Act of Parliament, appeal to the next practicable Court of Quarter Sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such Order made by a Petty Sessional Court the Corporation may in like manner appeal, and the Court of Quarter Sessions shall accordingly be, and are hereby, empowered to deal with any such appeal as if it were an ordinary appeal under those Acts.

## ACCOUNTS.

(34) All amounts recovered by the Corporation under Section 58 of the Act of 1909 in respect of the increase in value of property or received from owners as contributions towards the cost of street construction or from the sale of surplus lands or from any other source in connection with this Scheme, shall be applied in repayment of moneys borrowed under the Act of 1909 for the purposes of this Scheme or to such other purposes as may be approved by the Board.

## NOTICES.

(35) Notices under this Scheme must be in writing, and may be served on the Corporation by being delivered addressed to the Town Clerk at his office or on owners or occupiers by being sent by post addressed to them respectively, or to their respective agents, at the last known place of abode or business of such owners, occupiers, or agents.

## ENQUIRIES BY LOCAL GOVERNMENT BOARD.

(36) Section 85 of the Housing of the Working Classes Act, 1890, as amended by the Act of 1909, shall apply for any purposes of this Scheme as it applies for the purpose of the execution of the powers and duties of the Board under the former Act.

## EXCLUSION OF "GENERAL PROVISIONS."

(37) Any general provisions which may hereafter be made by the Board under Section 55 of the Act of 1909 shall be excluded from taking effect as part of this Scheme.

## DURATION OF SCHEME AND SHORT TITLE.

(38) This Scheme shall commence on the day on which it is approved by the Board, and shall continue in operation until varied by any subsequent Scheme, and may be cited as "The Quinton, Harborne, and Edgbaston Town Planning Scheme."

Given under the Seal of Office of the Local Government Board, this Thirty-first day of May, in the year One thousand nine hundred and thirteen.



JOHN BURNS,  
*President.*

NOEL T. KERSHAW,  
*Assistant Secretary.*

On behalf of the Local Government Board it is hereby certified—

- (1) that notice of the intention of the Board to approve the Scheme referred to in the foregoing Order as modified and set out in the Schedule to the Order was published in the London Gazette and that no objection was made thereto by any authority or person interested within twenty-one days from the date of such publication ; and
- (2) that a draft of the Scheme was laid before each House of Parliament for a period of not less than forty days during the session of Parliament and that no action was taken thereon by either House.

As witness my hand this 31st day of May, 1913,

NOEL T. KERSHAW,  
*Assistant Secretary.*

*Acting on behalf of the Local Government Board under  
the authority of their General Order dated the  
26th day of May, 1877.*



CITY OF BIRMINGHAM.

QUINTON, HARBORNE AND EDGBASTON TOWN PLANNING SCHEME.

*Estimate for the Construction of Roads and for the Purchase of Land for Open Spaces.*

Road Reference No.	Description of Roads. (For Street Sections see pages 623 and 624.)	Net Cost to Corporation after deducting Owner's Contributions.
1	Lordswood Road, Type A1; 100 ft. . . . .	£ 9,279 s. 3 d. 0
2	New Road, Lordswood Road to Court Oak Road; Type A 2 (Primary Section); 100 ft. . . . .	6,981 0 0
3	Court Oak Road widening from Road No. 9 to Road No. 4 by Golf Club House; Type A 1; 100 ft. . . . .	5,553 16 8
4	New Road from No. 3 to No. 5, across land to Ridgacre Lane; Type A 2 (Primary Section); 100 ft. . . . .	8,296 15 0
5	Ridgacre Lane, widening from road No. 4 to No. 6 Stoney Lane; Type A 2 (Primary Section); 100 ft. . . . .	2,423 18 8
6	Meadow Road widening from Stoney Lane to College Road; Type A 3; 80 ft. . . . .	6,270 8 0
7	New Road, College Road to Hagley Road; Type A 3; 80 ft. . . . .	2,157 2 4
8	Spies Lane and College Road widening (parts of); Type A 5; 50 ft. . . . .	952 13 0
9	Court Oak Road widening; Type A 4; Balden Road to Tennal Lane; 60 ft. . . . .	1,150 10 9
10	Tennal Lane widening; Type A 2 (Primary Section); 100 ft. . . . .	1,717 6 2
11 & 12	New Road from Tennal Road to California; Type A 2 (Primary Section); 100 ft. . . . .	10,815 7 10
13	Ridgacre Lane widening from Road No. 5 to No. 14; Type A 3; 80 ft. . . . .	1,113 9 4
14, 15 and 16	New Road, the Ridge Road (part), Ridgacre Farm to Selly Park Road; Type A 3; 80 ft. . . . .	14,020 5 0
17	New Road, Hagley Road to Woodbourne Road; Type A 6; 42 ft. to 45 ft. . . . .	1,992 6 10
18	New Road, Woodbourne Road to Lordswood Road; Type A 4; 60 ft. to 65 ft. . . . .	14,198 4 7
19	Widening of Lane from the Hawthorn to World's End; Type A 5; 50 ft. . . . .	7,096 2 5
20	Ravenhurst Road (North end); Type A 5 and note; 50 ft. . . . .	1,287 0 0
21	Ravenhurst Road (South end); Type A 5 and note; 50 ft. . . . .	785 7 0
22	Balden Road widening; Type A 4; 60 ft. . . . .	6,622 17 0
23	Hagley Road; Type A 3 partly; 75 ft. to 55 ft. . . . .	1,214 9 0
		103,928 5 7
	Playing Fields; Plots A, B, C and D . . . . .	3,168 0 0
		107,096 5 7
	Cost of preparing Scheme . . . . .	2,743 14 5
	ESTIMATED COST . . . . .	£109,840 0 0

NOTE.—Road No. 2, £6,981, and cost of preparing scheme, £2,743 14s. 5d., say £9,725, represents the immediate expenditure.



## CHAPTER VII.

### THE EAST BIRMINGHAM TOWN PLANNING SCHEME.

TO THE LORD MAYOR, ALDERMEN, AND CITIZENS of the CITY OF BIRMINGHAM ;—

To all owners of land comprised in the Scheme set out in the Schedule hereto, and to all other persons interested in the said land ;—

And to all others whom it may concern.

WHEREAS it is enacted by sub-section (4) of Section 54 of the Housing, Town Planning, &c. Act, 1909 (hereinafter referred to as " the Act "), which Section is included in Part II. of the Act, that a town planning scheme prepared or adopted by a local authority shall not have effect unless it is approved by Order of Us, the Local Government Board, and that We may refuse to approve any scheme except with such modifications and subject to such conditions as We may think fit to impose ;

And whereas the Lord Mayor, Aldermen, and Citizens of the City of Birmingham, acting by the Council (hereinafter referred to as " the Local Authority "), have prepared a town planning scheme (hereinafter referred to as " the Scheme ") in accordance with the provisions of Part II. of the Act and of the Town Planning Procedure Regulations (England and Wales), 1910, and have submitted the Scheme to Us for Our approval ;

And whereas We have made certain modifications in the Scheme, and the Scheme as modified by Us is set out in the Schedule hereto ;

And whereas by sub-section (2) of Section 59 of the Act it is enacted that property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme, which, with a view to securing the amenity of the area included in the Scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which We, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose ;



And whereas clauses 7, 17, 18, and 19 of the Scheme, as modified and set out in the Schedule hereto, contain provisions which prescribe the matters mentioned in sub-section (2) of the said Section 59 for the purpose therein mentioned :

NOW THEREFORE, in pursuance of the powers given to Us by the Statutes in that behalf, We hereby Approve the Scheme as modified and set out in the Schedule hereto, and We hereby Declare that, having regard to the nature and situation of the land affected by the provisions of clauses 7, 17, 18, and 19 of the Scheme, We consider those provisions reasonable so far as they relate to the purpose mentioned in sub-section (2) of Section 59 of the Act.

## SCHEDULE.

### CITY OF BIRMINGHAM.

#### **East Birmingham Town Planning Scheme.**

#### DEFINITIONS.

(1) "The Corporation" means the Lord Mayor, Aldermen, and Citizens of the City of Birmingham; "The Board" means the Local Government Board; "The Act of 1909" means the Housing, Town Planning, &c. Act, 1909; "The Map A" [or "the Map B" as the case may be] means the Map A [or Map B] which has been prepared in duplicate, each of such duplicates being sealed with the Official Seal of the Board and marked "Map A [or Map B] referred to in the East Birmingham Town Planning Scheme," and of which duplicates one is deposited in the office of the Board and the other in the office of the Town Clerk of Birmingham.\*

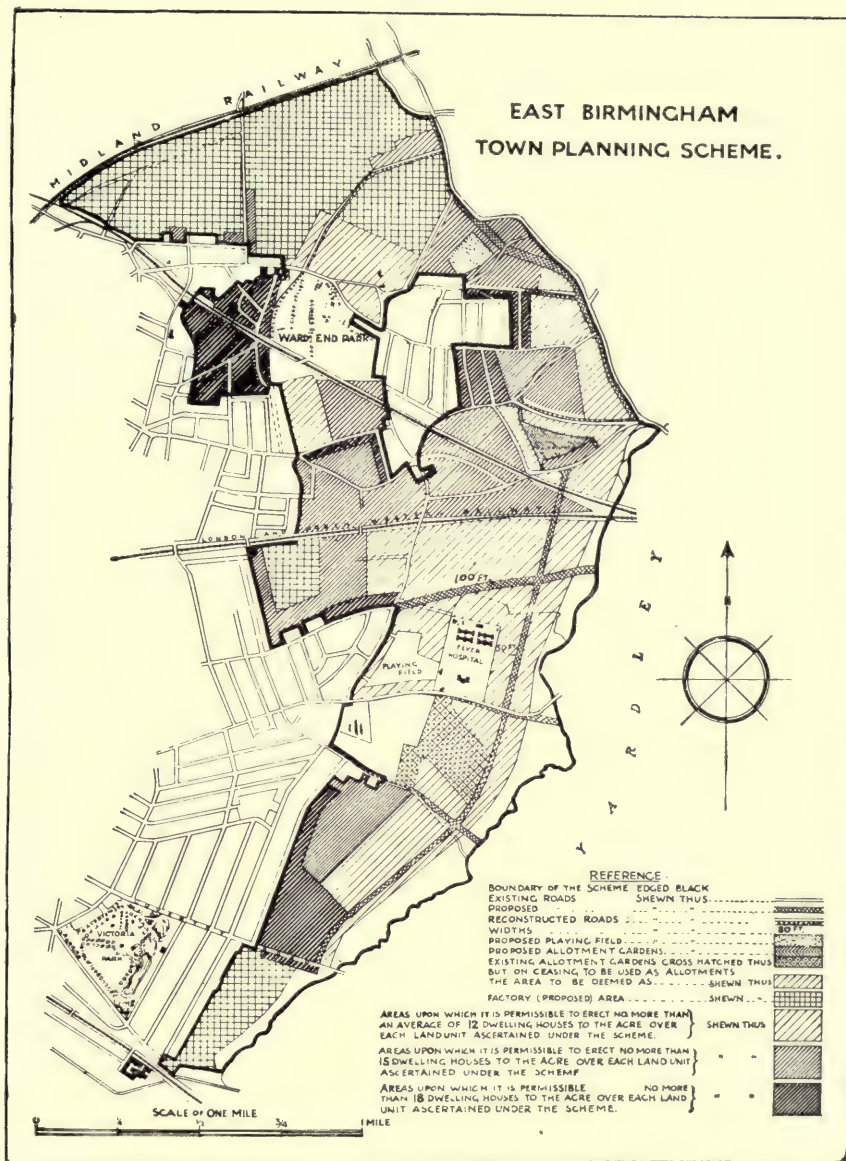
The several words or expressions which are not defined or used in Part II. of the Act of 1909, but which are defined in the Public Health Act, 1875, shall (subject as hereinafter provided) have the same several meanings when used in this Scheme as are specified in the latter Act, and land shall include any interest in land. Provided that for the purposes of Clauses 8, 9, 11, 15, 16, 17 and 33 of this Scheme "owner" shall have the same meaning as in the Public Health Act, 1875.

The enclosure numbers mentioned in this Scheme refer to those shown upon the Map A.

The sheets of street cross-sections appended to this Scheme and headed "Sheet A" and "Sheet B" respectively shall, with the marginal notes thereon, operate and have effect as part of this Scheme, and are hereinafter referred to as "Sheet A" and "Sheet B" respectively.

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\* For Map see page 645.



Map referred to in the East Birmingham Scheme.

(Reproduced from "Town Planning" by Councillor George Cadbury, junr. By kind permission of the author and the publishers (Messrs. Longmans, Green & Co.).





## RESPONSIBLE AUTHORITY.

(2) The Corporation shall be the Authority responsible for enforcing the observance of this Scheme and for the execution of any works which under this Scheme or Part II. of the Act of 1909 are to be executed by a local authority.

## AREA.

(3) The area to which this Scheme shall apply (hereinafter called "the area") shall be that within the inner edge of the boundary line coloured neutral tint on the Map A, excluding the portion of that area edged brown on that Map.

## NEW STREETS.

(4) Save as hereinafter provided, for the purpose of this Scheme the following new streets (which expression shall include widenings) shall be constructed by the Corporation under and in accordance with this Scheme, and in the lines indicated on the Map A, viz. :—

STREET NO. 1.—A widening of part of the existing highway known as Bromford Lane on the west side thereof, for its length between Bromford Bridge and the south-eastern corner of Enclosure No. 67, and crossing Enclosures Nos. 47, 49, 51, 65, 66 and 67.

STREET NO. 2.—A new highway 100 feet wide, being a continuation of Bromford Lane, commencing by a junction with Street No. 1, at the south-eastern corner of Enclosure No. 67, and terminating by a junction with Street No. 3 at the north-eastern corner of Enclosure No. 92, and crossing Enclosures Nos. 87, 88, 86, 89 and 92.

STREET NO. 3.—A widening of a further part of the existing highway known as Bromford Lane on the west side thereof, commencing by a junction with Street No. 2, and terminating by a junction with Washwood Heath Road at or near the Fox and Goose Hotel and crossing Enclosures Nos. 91, 129 and 131.

STREET NO. 4.—A widening of the existing highway known as Stechford Lane on the west and south-west sides thereof, for its length between its junction with Washwood Heath Road and Stechford Bridge, and crossing Enclosures Nos. 132, 146, 149, 150, 151 and 153.

STREET NO. 5.—A widening to 100 feet of the existing highway known as Burney Lane, commencing by a junction with Alum Rock Road and terminating by a junction with Street No. 4, and crossing Enclosures Nos. 143, 144, 157, 154, 145, 148 and 149.

STREET NO. 6.—A new highway 100 feet wide, commencing by a junction with Belchers Lane and Bordesley Green, and forming a continuation of the latter road, and terminating at the River Cole, and crossing Enclosures Nos. 406, 397, 386, 396, 395, 387, 394, 393, 392, 390, 391 and 371.

**STREET NO. 7.**—A widening to 60 feet of part of the existing highway known as Yardley Road, for its length between the north-western corner of Enclosure No. 437, and Street No. 8, and crossing Enclosures Nos. 437, 440, 442, 444 and 445.

**STREET NO. 8.**—A new highway 60 feet wide, being a continuation of Street No. 7, commencing by a junction with such street, and terminating at the River Cole, and crossing Enclosures Nos. 445 and 446.

**STREET NO. 9.**—A new highway 80 feet wide, commencing at the River Cole, and terminating by a junction with Street No. 10, and crossing Enclosures Nos. 471, 472, 466 and 465.

**STREET NO. 10.**—A widening to 80 feet of part of the existing highway known as Hobmoor Road, commencing by a junction with Street No. 9, and terminating at the south-western corner of Enclosure No. 348 and crossing Enclosures Nos. 465, 453, 455, 456 and 348.

**STREET NO. 11.**—A new highway 42 feet wide, commencing by a junction with Whitacre Road, and forming a continuation of such road to a point 135 feet or thereabouts measured in an easterly direction from the termination of Whitacre Road and thence in a northerly direction, terminating at the southern boundary of the London and North-Western Railway opposite Ludlow Road and crossing Enclosure No. 312.

**STREET NO. 12.**—A new highway 50 feet wide, commencing by a junction with Coventry Road (at a point about 420 feet west of Hay Mills Bridge), and terminating by a junction with Street No. 6, and crossing Enclosures Nos. 497, 483, 482, 485, 479, 480, 476, 475, 474, 466, 467, 468, 449, 448, 447, 444, 418, 416, 415, 411, 410, 412 and 392.

**STREET NO. 13.**—A new highway 50 feet wide, to form a continuation of Street No. 12, commencing by a junction with Street No. 6, passing under the London and North-Western Railways, and terminating by a junction with Cotterills Lane, and crossing Enclosures Nos. 392, 390, 372, 373, 189, 366, 368, 369 and 186.

**STREET NO. 14.**—A new highway 42 feet wide, commencing by a junction with and forming a continuation of Foxton Road, and terminating by a junction with Ward End Park Road and crossing Enclosure No. 265.

**STREET NO. 15.**—A new highway 42 feet wide, commencing by a junction with and forming a continuation of Naseby Road, and terminating by a junction with Street No. 17 and crossing Enclosure No. 264.

**STREET NO. 16.**—A new highway 42 feet wide, commencing by a junction with Mendip Avenue and terminating at a point 70 yards or thereabouts, measured in a southerly direction from the south side of such Avenue, and crossing Enclosures Nos. 274, 264 and 275.



STREET No. 17.—A new highway 42 feet wide, commencing by a junction with and forming a continuation of Nansen Road, and terminating by a junction with Street No. 14 and crossing Enclosures Nos. 264 and 265.

STREET No. 18.—A new highway 42 feet wide, commencing by a junction with and forming a continuation of Ward End Park Road, and terminating by a junction with Washwood Heath Road, and crossing Enclosure No. 255.

STREET No. 19.—A widening to 50 feet of an existing highway known as Drew's Lane, commencing at its junction with Washwood Heath Road, and terminating at its junction with Street No. 1, and crossing Enclosures Nos. 215, 216, 217, 76, 74, 59, 62, 63, 64, 54 and 65.

STREET No. 20.—A widening to 50 feet of an existing highway known as Black Pit Lane, commencing at its junction with St. Margaret's Road, and terminating at its junction with Street No. 1, and crossing Enclosures Nos. 68, 70, 66, 67 and 65.

STREET No. 21.—A new highway 42 feet wide, commencing by a junction with and forming a continuation of Morris Road, and terminating by a junction with Street No. 3, and crossing Enclosures Nos. 91 and 129.

Provided always that with the consent of the Corporation the new streets above described, or any of them, or any part thereof, may be constructed by any person other than the Corporation on such terms as to cost as the Corporation may agree.

#### TIME FOR CONSTRUCTING STREETS.

(5) The said new streets described in Clause 4 of this Scheme shall be commenced at the discretion of the Corporation, subject to the right of any person aggrieved by the delay of the Corporation in commencing any of such streets to appeal under Clause 34 hereof. Streets shall be deemed to have been commenced within the meaning of this clause as soon as they are cut or laid out to formation level and the bottom layer of the foundation has been laid thereon.

#### COMPLETION OF STREETS.

(6) With regard to any one of the new streets described in Clause 4 of this Scheme, the Corporation shall complete the construction of the carriageway and footways thereof, if and when not less than 75 per cent. of the total frontage to the street shall have been built up to or appropriated as curtilages for buildings in existence at the time, and any necessary drains, gas, water, or other services in connection with the buildings in the street have been laid, but otherwise (subject to Clause 5 hereof) the said new streets shall, subject to the right of any person aggrieved by the delay of the Corporation in completely constructing the same to appeal under Clause 34 hereof, be completely constructed by the Corporation at such respective times as they shall determine in each case.



Provided that any street 100 feet wide to be constructed by the Corporation of the A1 type of cross-section shown on Sheet A\* shall be deemed to be constructed within the meaning of this clause when so much of it shall have been completed as appears in Street Cross-section A1 primary section shown on Sheet A. Provided further that any such street 100 feet wide may be constructed as appears in Street Cross-section A1 ultimate section, as shown on Sheet A, as and when the Corporation shall think fit.

#### METHOD OF CONSTRUCTING STREETS; BUILDING LINES.

(7)—(a) The numbers in the first column of the following table refer to the numbers of the new streets described in Clause 4 of this Scheme, and the numbers in the second column of such table refer to the numbers on Sheet A, and the respective streets numbered in the said first column shall be constructed in accordance with the respective street cross-sections shown opposite thereto in the said second column.

TABLE REFERRED TO.

No. of New Street.	No. of Cross-Section.
1, 2, 3, 4, 5, 6	A 1
9, 10	A 2
7, 8,	A 3
12, 13, 19, 20	A 4
11, 14, 15, 16, 17, 18, 21	A 5

Provided that in the case of any street not of the same width throughout, so much of the length of such street as varies in width from such of the street cross-sections shown on Sheet A as is applicable to the street in question, shall be carried out in such manner as the Corporation think fit.

(b) Subject to any right of appeal conferred by Clause 34 of this Scheme, all streets in the area constructed otherwise than by the Corporation shall be constructed in conformity with the provisions of this Scheme, with such turning and crossing places and access ways from the carriageway to the forecourt, and of such materials, of such widths (not exceeding 60 feet, except by agreement) on such sites, and generally in such manner as shall be required by the Corporation, and shall not be commenced until all notices required by the byelaws for the time being in force in the City of Birmingham shall have been first sent to the Corporation,

\* See page 651.

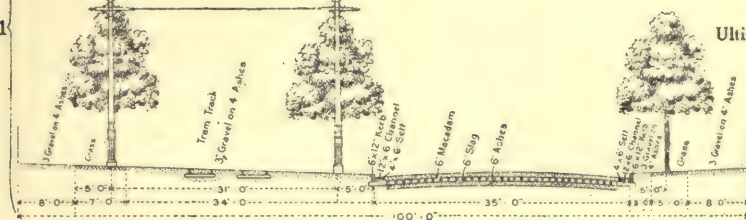
# Sheet A. EAST BIRMINGHAM TOWN PLANNING SCHEME. STREET CROSS-SECTIONS.

Primary Section

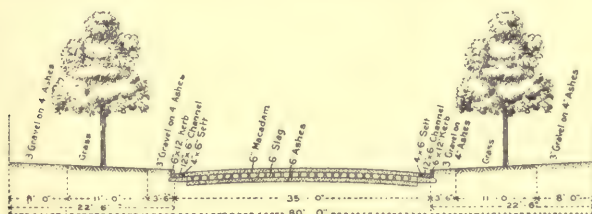


Section A1

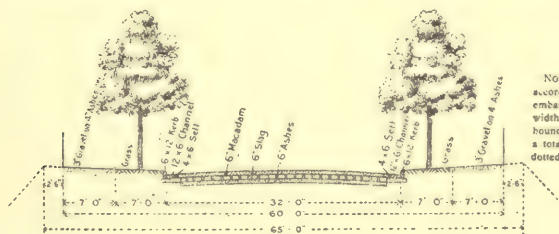
Ultimate Section.



Section A2.



Section A3.



NOTE.—When a street constructed in accordance with Section A3 is on an embankment it shall have an additional width of 2'-6" of earthwork beyond the boundary lines on each side, making a total width of 65'-0", as indicated by dotted lines on the diagram section.

Section A4.



Section A5.



## Sheet B.

[illegible]

Diagram illustrating a landscape plan with various plantings and dimensions. The plan shows a building line and several trees and shrubs. The dimensions are given in feet.

Plantings and Dimensions:

- Grass
- 30' x 40' x 4' Allie
- 6' x 10' Oak
- 4' x 5' Cherry
- 4' x 5' S. Dog
- 6' Macadam
- 6' Slag
- 6' Ashes
- 4' x 5' Elm
- 12' x 6' Magnolia
- 3' x 10' Dog
- 3' x 10' Dog
- Grass

Dimensions (feet):

- 16' 0"
- 10' 0"
- 6' 0"
- 18' 0"
- 6' 0"
- 10' 0"
- 16' 0"

(minimum)

The diagram illustrates a proposed road layout with the following components and dimensions:

- Left Side:**
  - Grass area
  - Tree
  - Building Line
- Road Structure (from left to right):**
  - 3' Macadam
  - 10' Kerb Channel
  - 4.5' Soft
  - 6' Macadam
  - 6' Slag
  - 6' Asphalt
- Right Side:**
  - Grass area
  - Tree
  - Building Line
- Dimensions (from left to right):**
  - 15' 0"
  - 6' 0"
  - 6' 0"
  - 18' 0"
  - 4' 2"
  - 6' 0"
  - 5' 0"
  - 15' 0"
- Additional Labels:**
  - 4.5' Soft
  - 3' 0" Macadam
  - 3' 0" Kerb Channel
  - 9' Asphalt
  - (minimum)

The diagram illustrates a road layout with the following components and dimensions:

- Road Types:**
  - Bathing Line
  - Highway
  - Country Road
  - Side Road
  - Footpath
  - Drainage
  - Building
- Lane Widths (from left to right):**
  - 18' 0"
  - 4' 0"
  - 5' 0"
  - 18' 0"
  - 36' 0"
  - 72' 0"
  - 5' 0"
  - 4' 0"
  - 18' 0"
- Other Labels:**
  - (minimum)

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and until all plans and sectional drawings so required shall have been first submitted to and approved of by the Corporation. The mode of construction of any such street shall conform to such one of the street cross-sections, shown on Sheet B,\* as shows the width between the forecourts required under this clause, or to such other street cross-section submitted by the owner as the Corporation may in any particular case approve. Provided that where any street cross-section shall have been determined under this clause the Corporation may require that the street in question shall be constructed according to a cross-section involving greater cost in construction, in which case the street shall be constructed in conformity with the last mentioned cross-section and the additional cost shall be borne by the Corporation.

(c) The building lines in respect of the new streets described in Clause 4 of this Scheme, and the building lines in respect of other streets or proposed streets marked on the Map A, shall be those shown on the Map A; and in any existing street, where no building line is shown on the Map A, the Corporation may determine the building line when any plan for any building in such street is submitted to them for approval, provided that such building line shall not be less than 36 feet or, except by agreement, more than 41 feet from the centre of such street.

(d) Where the building lines shown on the plans submitted to the Corporation for approval vary from those shown on Sheet B, and applicable to the street in question, they shall be subject to the approval of the Corporation.

(e) No building or other erection other than a boundary wall or fence shall be constructed nearer to the centre of the street than the building line applicable to the street in question shown on the Map A or Sheet B or approved or determined as aforesaid.

(f) Any consent of the Corporation under Section 3 of the Public Health (Buildings in Streets) Act, 1888, shall not be unreasonably withheld.

#### PAVING OF FOOTPATHS.

(8) In the event of the owners representing not less than threequarters of the total length of frontage to a street requesting the Corporation to pave the footpaths, the Corporation may, if they deem it desirable so to do, take up the gravel and lay paving in lieu thereof, and declare the cost to be private improvement expenses, in which case such cost shall be dealt with in the same way as private improvement expenses under the Public Health Act, 1875.

#### STREET PLANS FOR ADJOINING ESTATES.

(9) In addition to any powers now or hereafter conferred upon them by Section 17 of the Public Health Acts Amendment Act, 1907, or any Act amending the same, the Corporation, whenever any plan for a new street within the area shall be submitted to them for approval, may, by notice in writing, require any owner

\* See page 652.

or owners of any estate or lands within the area, the development of which will be affected by the construction of such street, to furnish to the Corporation, at the expense of such owner or owners, and within a reasonable time to be specified in such notice, plans and particulars showing generally a scheme for the development or laying out of such estate or lands.

#### INCIDENTAL STREET WORKS.

(10) So far as the Corporation may deem necessary, they may require that any person constructing or laying out streets in the area shall fence the same and plant them with trees, and that he shall provide and construct all proper approaches, embankments, bridges, arches, girders, retaining walls, culverts, drains, works, and conveniences connected therewith or incident thereto; and for the purpose of commencing or constructing any of the new streets described in Clause 4 of this Scheme the Corporation may provide and construct all such works as aforesaid as may be necessary.

#### COST OF CONSTRUCTING STREETS.

(11) The cost of construction of streets shall be defrayed in the following manner: In the case of any street in the area constructed otherwise than by the Corporation the whole cost shall be defrayed by the person constructing the street unless the Corporation shall agree (and they are hereby empowered to agree) with such person to contribute to the cost. The Corporation shall construct wholly at their own expense the new streets described in Clause 4 of this Scheme, and numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 19 and 20, and also so much of Street No. 8 as lies between its junction with Street No. 7 and a point 107 yards measured in a westerly direction from the termination of Street No. 8 in the centre of the River Cole. In the case of any other of the said new streets, the whole cost shall, subject to the proviso to Clause 4 hereof, be defrayed in the first instance by the Corporation, but (with the exception of the said new streets numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 19 and 20 and the said part of Street No. 8 before described) the owner of any land deriving benefit from the said street shall (unless the Corporation otherwise agree with him), if and as soon as any such land shall be brought into rating for other than agricultural purposes, repay to the Corporation a contribution towards the cost not exceeding £3 10s. per yard of the frontage of his land to the said street, or (at the option of the Corporation) equal to such sum as may represent the degree of benefit accruing to his land whether fronting to or communicating with the said street from the construction of such street. The amount of such contribution in either case shall be assessed by the Surveyor for the time being of the Corporation, and approved of by them, and from their decision as to the amount or degree of benefit any owner may within two calendar months from such decision appeal to the Board or to an arbitrator mutually agreed upon.



## MAINTENANCE OF STREETS.

(12)—(a) The Corporation shall maintain in a condition suitable for public traffic until constructed any of the new streets described in Clause 4 of this Scheme, the construction of which shall have been commenced by them within the meaning of Clause 5 of this Scheme, and which shall have been opened for public traffic.

(b) Any streets constructed by the Corporation shall thereafter be maintained by them as public highways.

(c) Streets constructed otherwise than by the Corporation, if constructed in accordance with this Scheme to the satisfaction of the Corporation or their duly authorised officer, and subsequently made up and completed to the like satisfaction under any statutory enactment, shall, when, but unless otherwise agreed not till, they have to the extent of 75 per cent. of their total frontage been built up to or appropriated as curtilages for buildings in existence at the time, and the necessary services as referred to in Clause 6 of this Scheme have been laid, be taken over and thereafter maintained by the Corporation as public highways.

(d) For the purpose of this clause Section 59 of the Birmingham Corporation (Consolidation) Act, 1883, shall be suspended.

## GRASS MARGINS, &amp;c.

(13)—(a) In the case of any of the new streets described in Clause 4 of this Scheme the Corporation may plant bushes and shrubs therein and may erect guards or fences for the protection of such bushes and shrubs, and of any embankments and grass margins, and may thereafter maintain, alter, or renew the same and may take such steps as seem to them desirable to maintain all trees, bushes, shrubs, and grass margins in the streets in good order and condition.

Provided that the powers of the Corporation under this clause shall not be exercised, nor shall any bushes or shrubs so planted be continued, so as to hinder the reasonable use of the street by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

(b) In the case of any other street for the time being constructed in the area the Corporation may (subject to the last mentioned proviso) require the person constructing the same to maintain in good order and condition until the street is taken over by the Corporation all trees and grass margins and embankments therein and to make and so maintain any proper guards and fences to the same.

(c) No communication shall be made across any grass margin so as to afford access to any premises from any street at any time constructed in the area, except upon the same conditions as under Section 58 of the Birmingham Corporation Act, 1903, are applicable to communications across kerbed or paved footpaths, and for the purpose of this Scheme the provisions of that section (including the provisions relating to offences and penalties) shall apply and be read as if the words " or grass margin " were inserted in the section after the words " footpath " and " footway " wherever such words respectively occur.



## WILFUL DAMAGE.

(14) No person shall wilfully damage any tree, shrub, or plant or grass margin in any street, or any fence or guard erected therein.

## MODIFICATION OF STREETS.

(15) The Board may sanction any modification in detail with reference to the position, construction, or widening of any of the new streets described in Clause 4 of this Scheme, which at any time and from time to time may be agreed upon between the Corporation and the owner or owners interested.

Provided that no such sanction shall be given until the expiration of 21 days from the date on which notice has been first given by advertisement in some newspaper circulating in the City of Birmingham, to the effect that the Corporation have applied under the authority of this clause for the sanction of the Board to a modification described in the notice, and that any person objecting to such sanction being given may within such 21 days give written notice of his objection to the Board, who shall take any such objection into their consideration before granting any sanction as aforesaid.

## DIVERSION OR STOPPING UP OF HIGHWAYS.

(16) So much of the existing public footpath leading from Aston Church Road to Common Lane as lies between the points marked D, E and F on the Map A shall as from the date on which this Scheme is approved by the Board, and so much of the existing public highway known as Hobmoor Road as extends from its junction with Street No. 10 to its junction with Street No. 12 shall as from, but not until, the date on which the portions of the said proposed new Streets numbered 9, 10 and 12 as lie between the points marked A, B, and C on the Map A, shall have been constructed to an extent rendering them suitable for all traffic, and opened for public traffic, be deemed to be diverted or stopped up, and all public rights thereover shall cease as from such respective dates. The soil up to the middle line of such footpath or highway shall thereupon be deemed to vest in the owners of the freehold of the land abutting upon such footpath or highway, subject always to the rights of the Corporation and others being reserved in regard to sewers, gas and water mains, electric wires and other works, but the road materials on the footpath and highway diverted or stopped up may be removed by the Corporation, without payment, if they so desire within six months of such respective dates.

In the construction of the new streets referred to in this clause the Corporation shall (if required by the owner and at his expense) do all that may be necessary for transferring to the new street or for abandoning any sewers, gas or water pipes, electric wires, or other works lying in the highway to be diverted or stopped up, and shall provide proper service pipes from the mains in the new street to connect up with any property now or hereafter being served by any sewers, pipes, or works

so transferred or abandoned. No such transfer or abandonment shall take place until notice shall have been given to any statutory undertakers affected, who may if they require do the necessary work themselves and charge the reasonable cost thereof against the Corporation, who may recover the same from the owner. Until any such work is completed the Corporation or other owner of any such pipes, sewers, or works shall have full access to, and the same powers with regard to, the same as they previously had.

#### NUMBER OF DWELLING-HOUSES AND OTHER BUILDINGS.

(17)—(a) In this clause "dwelling-houses" shall mean houses designed for occupation by not more than one family, together with such outbuildings as are reasonably required to be used or enjoyed therewith.

(b) In reckoning the number of dwelling-houses to be erected to an acre all roads and private open spaces constructed or to be constructed and set apart or to be set apart by the owner of the lands in question, and half of the width of the highways repairable by the inhabitants at large upon which the said lands abut, shall be included in the measurement of the acre, but no account shall be taken of public open spaces acquired, otherwise than by gift subsequent to the making of this Scheme, or leased by the Corporation, or of the sites of the shops and other buildings mentioned in and approved under sub-clause (c) (iii) of this clause; and, subject to the provisions of this clause, an acre shall be measured so as to include such land as the Corporation in each case having regard to all the circumstances determine by the Order to be made under sub-clause (c) (iii) of this clause.

(c) The following provisions as to the dwelling-houses and other buildings which may be erected on land comprised within any of the areas coloured light grey, medium grey, and dark grey on the Map B shall have effect:—

- (i) The number of dwelling-houses on any one acre shall not exceed twenty;
- (ii) When a plan is submitted for the approval of the Corporation in regard to the erection of any building on any land comprised within one or more of the areas referred to which has not been previously made or included in a land unit under this clause, then,—

If at that time the owner of the land does not own any other land in the said areas which is not included in a land unit the land included in the building plan shall constitute a land unit for the purposes of this clause: Provided that if the land included in the building plan is comprised partly within more than one of the said areas, the part within each of the said areas shall constitute a land unit for the purposes of this clause.



If at that time the owner of the land owns other land in the said areas which is not included in a land unit there shall be submitted to the Corporation by the owner an estate plan in duplicate showing the whole of the land of such owner in the said areas but not included in a land unit, and distinguishing the parts of the estate in each of the said areas; and the Corporation shall thereupon determine whether the land included in the building plan (or if such land is comprised partly within more than one of the said areas then the part thereof comprised in each of the said areas) shall constitute by itself a land unit or whether all or any part of the remaining land of such owner in the like area shall at that time, having regard to the effect of the development of the land included in the building plan (or part thereof as aforesaid), be added to the last-mentioned land to form a land unit, and shall show on each copy of the estate plan the land they determine shall form a land unit and return one copy of the plan to the owner.

For the purposes of this sub-clause (1) all the areas coloured light grey, (2) all the areas coloured medium grey and (3) all the areas coloured dark grey on the Map B shall together in each case be deemed to be one area.

- (iii) The owner before commencing to erect any dwelling-house or other buildings on the land unit shall deposit with the Corporation a statement of the number and description of the dwelling-houses or other buildings which he desires to erect on the land unit, and subject to sub-clauses (c) (v) and (d) of this clause the Corporation shall as soon as practicable by Order sanction the maximum number of dwelling-houses which may be erected on the land unit, or on each acre or other portion of the land unit, and sanction the number and define the character or purposes of the other buildings to be erected thereon, but in no case shall the Corporation approve the erection of a greater or require the erection of a less number of dwelling-houses on the land unit than will give an average over the land unit of 12 to the acre if the land unit forms part of the areas coloured light grey, 15 to the acre if the land unit forms part of the areas coloured medium grey, and 18 to the acre if the land unit forms part of the areas coloured dark grey on the Map B.



The Corporation shall also include in the Order such further provision as may be necessary in pursuance of sub-clause (b) of this clause in regard to the measurement of the acre. Any such Order shall be forthwith communicated to the owner and shall, subject to any appeal as hereinafter provided, be binding on the owner and every successive owner of the land unit or any part thereof until revoked or altered, and no dwelling-houses or other buildings shall be erected on any land in the said areas in the absence or in contravention of any Order made under this clause or when erected be used or adapted for purposes other than those defined; and the Corporation shall keep a register of such Orders, and a map showing all land units, which register and map shall be open to inspection by any person interested.

- (iv) If, after any Order as aforesaid has been made, part of the land unit to which the Order relates is sold or let on building lease, and the Order only specifies the number of dwelling-houses which may be erected on the part of the land unit so sold or let together with the remainder of the land unit or some part thereof, the number of dwelling-houses to be erected on the part so sold or let and the part not so sold or let respectively shall, subject to the maximum number sanctioned by the Order of the Corporation not being exceeded and subject also to sub-clause (c) (i) of this clause, be a matter for agreement between the owners of the respective parts or be determined by the Corporation in default of such agreement.

The Corporation may at any time, on the application of any owner, review any such Order and by further Order revoke, alter, or amend the same, provided that the number of dwelling-houses on the land unit shall never be greater than will give an average over the unit of the number to the acre (12, 15 or 18 as the case may be) hereinbefore determined in respect of the unit, and any revocation, alteration, or amendment of the Order shall be registered, and be binding in like manner as aforesaid.

- (v) By the consent of the Corporation, but not otherwise, such consent to be expressed by sanction as aforesaid in the Orders to be made under sub-clause (c) (iii) of this clause, there may be erected in the said areas such shops or buildings other than dwelling-houses as the Corporation may think fit. Provided always that such shops or buildings shall conform in all respects

to the Acts and Byelaws in force for the time being in the area and applicable thereto. The Corporation before giving any such consent shall give public notice of their intention by advertisement in some local newspaper circulating in the City of Birmingham, and if no appeal against the giving of such consent shall be made to the Board under sub-clause (d) of this clause the Corporation may proceed to give such consent in manner aforesaid.

Any decision of the Corporation to withhold consent to the erection of shops or buildings other than dwelling-houses shall be communicated forthwith to the owner.

(d) Any person aggrieved by any determination of a land unit by the Corporation, or by any proposal to give or by any withholding of consent to the erection of shops or buildings other than dwelling-houses, or by any Order of the Corporation (except so far as it gives consent to the erection of shops or buildings other than dwelling houses) under the foregoing provisions of this clause, may appeal to the Board within twenty-one days (1) after the determination shall have been communicated to the owner, or (2) after the date of the advertisement of a proposal to give consent as aforesaid or after the decision to withhold consent shall have been communicated to the owner, or (3) after the Order as aforesaid shall have been made and communicated to the owner, as the case may be; whereupon the Board, if they are satisfied that the appellant is affected in regard to the matter appealed against, shall take the appeal into their consideration and make such Order as they may think just, and such Order shall be final and binding on all parties concerned.

(e) Except with the consent of the Corporation no dwelling-houses or buildings other than factories or workshops shall be erected on lands within the areas coloured pink on the Map B. If the Corporation on the application of an owner of any land comprised within those areas give such consent as aforesaid the land in reference to which the consent shall have been given shall constitute a land unit for the purpose of this clause and the provisions of sub-clause (c) (i), (iii), and (iv) of this clause and of so much of sub-clause (d) of this clause as relates to an appeal against an Order of the Corporation shall apply in like manner as if the land unit formed part of the areas coloured medium grey on the said Map. Provided that any buildings erected on the said land shall conform in all respects to the Acts and Byelaws in force for the time being in the area and applicable thereto.

#### BREAKS IN BUILDING.

(18) Not more than eight dwelling-houses shall in any place be built under one continuous roof or without a break in building from the ground upwards. No part of any continuous block of more houses than four shall be built nearer to the owner's boundary than three feet. No break in building from the ground upwards

shall be of less width than six feet : Provided that the Corporation may, if they think fit, allow a break in building to be of a width not less than four feet in a case where the break is between detached houses, or between a detached house or continuous block of houses and another continuous block of houses and neither block contains more than five dwelling-houses.

#### AIR SPACE.

(19) No building, wall, or erection of any kind shall be built or erected, and no addition shall be made to any building, wall, or erection, which (if built, erected or made) would be so situate that by reason of its proximity to or contact with any other buildings it would—

- (a) Stop or impede ventilation, or would otherwise make or conduce to make such other buildings in a condition unfit for human habitation or dangerous or injurious to health ; or
- (b) Prevent proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings.

#### DEMOLITION OR ALTERATION OF EXISTING BUILDINGS.

(20) So far as may be necessary for carrying this Scheme into effect the Corporation may demolish or alter any buildings existing in the area at the date of the approval of the Scheme.

#### LANDS.

(21) The following lands shall be deemed to be set apart for the purpose of this Scheme, viz. :—

- (a) Parts of Enclosures Nos. 85, 86 and 87, as hatched and edged green on the Map A, for the purpose of playing fields. The lands on the east side of the area coloured light brown on Map A, for the purposes of public walks and pleasure grounds and of effecting improvements in connection with the River Cole. The Corporation shall have the like powers in regard to the said lands when acquired by the Corporation as if the same were acquired for the purposes of public walks and pleasure grounds under the Public Health Acts.
- (b) Any other lands which are shown on the Map A as set apart for the purpose of this Scheme, including the sites of the new streets described in Clause 4 of this Scheme and of any necessary slopes or accessory works in connection with such streets.



## FACTORY SITES.

(22) Except on the lands coloured pink on the Map B no factory or workshop shall be erected in the area except with the consent of the Corporation under Clause 17 (c) of this Scheme ; and except on those lands no manufacturing business shall be carried on therein without such consent ; but this prohibition shall not extend to the making and burning of bricks and tiles on land already used or appropriated for the purpose, or to any building now used as a factory or workshop or to any manufacture now carried on in any such building.

Provided that any person feeling aggrieved by the withholding of any consent in regard to the matters mentioned in this clause may in any case in which an appeal is not provided for in Clause 17 of this Scheme appeal to the Board within twenty-one days after the decision to withhold consent shall have been communicated to the person or persons affected ; whereupon the Board, if they are satisfied that the appellant is affected in regard to the matter appealed against, shall take the appeal into their consideration and make such Order as they may think just. and such Order shall be final and binding on all parties concerned.

## PROHIBITION OF ADVERTISEMENTS.

(23) No person shall in the area erect, fix, place, or use or permit to be used in such a position or manner as to interfere with the amenity of the area or any part thereof any building, hoarding, framework, structure, or device for the purpose wholly or in part of advertising, but this prohibition shall not apply to the exhibition of traders' names on shops or factories, or to any notices exhibited on churches, chapels, or mission rooms.

## NUISANCES IN GARDENS, &amp;c.

(24) All private gardens, private open spaces, or private allotments shall be kept in such a state as not to be a nuisance or annoyance to neighbours or to persons using the highways. The Corporation may, on the report of their Surveyor, serve notice on any person or persons, whether individually or jointly occupying or using any such lands as aforesaid, or if the lands be unoccupied then the owner thereof, requiring that the nuisance or annoyance shall be abated within a reasonable time to be specified in such notice, and in default of compliance with such notice the Corporation may do what is necessary to abate the nuisance or annoyance, and may recover the cost from the person or persons served with the notice or from any one or more of them.

## ADJUSTMENT OF BOUNDARIES.

(25)—(a) It shall be lawful for the Corporation for the purpose of securing the proper laying out or development of any estate or lands within the area in respect of or in connection with which any of the new streets described in Clause 4

of this Scheme are to be constructed, or any plans for any other new streets to be constructed in the area are submitted to the Corporation for approval, to require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands within the area adjacent or near thereto, and for effecting such exchanges of land as may be necessary or convenient for such purposes, and the provision to be so made and the terms and conditions upon which such provision is to be made shall, failing agreement between the Corporation and the respective persons interested in such estates or lands, on the application of the Corporation or any such person, be determined by an arbitrator to be appointed by the Board, and the Corporation may, for securing the execution of any such purposes, agree to pay, and may and shall pay to any such person or persons such sums as may be agreed upon or, in default of agreement, be determined by arbitration as aforesaid, provided that the payment of money by any such person shall not be made a term or condition of any award made under this clause otherwise than with his consent.

(b) Any award made under the provisions of this clause shall operate to effect any adjustment or alteration of boundaries or exchange of lands which may be provided for by such award, or be necessary for giving effect thereto, and shall be duly stamped accordingly, and the costs, charges, and expenses of any such arbitration shall, unless and except in so far as the award shall otherwise provide, be borne and paid by the Corporation.

(c) Any lands or moneys received by any person in or in respect of an adjustment or alteration of boundaries or exchange of lands under the provisions of this clause shall be held by such person, subject to the same trusts (if any), and any lands so received shall also be held subject to the same covenants, restrictions, and conditions (if any), as the lands exchanged therefor.

(d) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid, the Corporation may themselves purchase subject to the provisions of the Act of 1909 any land, and may sell or lease the same in whole or in part at such time or times, at such price or prices, and on such conditions as they may think fit, or may appropriate the same for any public purpose approved by the Board, and until such sale or appropriation may occupy, manage, or let the same or any part thereof in such manner as the Corporation may think reasonable.

#### CLAIMS FOR COMPENSATION OR BETTERMENT.

(26) Claims under Section 58 of the Act of 1909 for compensation or in respect of any increase in value of property shall be made within twelve months from the date of the approval of this Scheme by the Board : Provided that in the case of any such claim arising under the provisions of Clause 7 (b) of this Scheme the claim shall be made within twelve months from the date of a requirement of the Cor-



poration under that sub-clause, or in the event of an appeal against such requirement within twelve months from the date of the Order of the Petty Sessional Court or Court of Quarter Sessions on any such appeal.

#### ENTRY FOR INSPECTION, &c.

(27)—(a) The Corporation or any of their officers or servants, on production of the written authority of the Corporation, shall be admitted into or upon any property in the area for the purpose of any inspection necessitated by the provisions of this Scheme or for the purpose of enforcing any of such provisions at any time between the hours of 9 in the forenoon and 6 in the afternoon.

(b) If admission for any of the purposes of this clause is refused any Justice on complaint thereof on oath by any officer of the Corporation (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the property) may by order under his hand require such person to admit the Corporation and their officers and servants into or upon such property during the hours aforesaid, and if no person having such custody can be found the Justice shall, on oath made before him of that fact, authorise the Corporation and their officers and servants to enter such premises during the hours aforesaid.

(c) Any such order made by a Justice shall continue in force until the purposes for which such admittance was required shall have been fulfilled or executed.

#### ENFORCEMENT OF SCHEME.

(28) In addition to and notwithstanding any other procedure or remedy any person committing or knowingly permitting any breach or non-observance of any of the conditions of this Scheme shall be guilty of an offence, and shall be liable on conviction in any Court of Summary Jurisdiction to a penalty not exceeding 40s. for each offence, and to a further penalty not exceeding 20s. for each day upon which any offence is continued after conviction or after notice in writing of the offence has been served by the Corporation or by any party interested on the party charged.

#### WORKS CONTRAVENTING SCHEME.

(29)—(a) Where it appears to the Corporation that any building or other work in the area is at any time such as to contravene this Scheme, or that in the erection or carrying out of such building or other work any provision of this Scheme has not been complied with, or that any person has failed to execute any work which it is the duty of such person to execute under this Scheme and it appears to the Corporation that delay in the execution of the work would prejudice the efficient operation of this Scheme, the person by whom, at whose order, or on whose behalf such building shall have been erected, or such work shall have been begun or done, or the person who has failed to execute any work as aforesaid, shall (by



a notice in writing signed by the Town Clerk and served upon such person, and containing a copy of Section 57 of the Act of 1909 and of this clause) be required on or before such day as shall be specified in such notice (not being less than one calendar month from the date of service of such notice), by a statement in writing under his hand or under the hand of an agent duly authorised in that behalf and served upon the Corporation, to show sufficient cause why such building or other work should not be removed, pulled down or altered, or be executed by the Corporation.

(b) If at the expiration of the notice such person shall have failed to show sufficient cause why such building or other work should not be removed, pulled down or altered, or (as the case may be) be executed by the Corporation, and it shall not have been notified to the Corporation by such person or by the Board that such person has referred any question to the Board under Sub-section (3) of Section 57 of the Act of 1909, the Corporation, after giving such person notice that at the expiration of a further period specified in the notice (not being less than 14 days from the date of service of such notice) they intend to exercise their powers under Section 57 of the Act of 1909, may proceed to remove, pull down or alter, or execute such building or work (as the case may be). Provided that a power proposed to be so exercised shall not be exercised pending the determination of any question referred to the Board under Sub-section (3) of the said Section in relation to the building or other work in respect of which that power is proposed to be exercised, and of which reference the Corporation shall have received written notice within the last-mentioned period.

(c) When on any question referred to the Board under Sub-section (3) of the said Section it is determined that any building or work contravenes this scheme or that any provision of this Scheme is not complied with in the erection or carrying out of any such building or work, the Corporation, after giving such person as aforesaid notice that, at the expiration of a period specified in the notice (not being less than one calendar month from the date of service of such notice), they intend to exercise their powers under the said section, may proceed to remove, pull down or alter any such building or work.

#### AGREEMENTS.

(30) The Corporation may, subject to the approval of the Board, make any agreements they think fit with any person or persons for the purpose of carrying out this Scheme or any part thereof or any adjustment in connection therewith. Any provision in any such agreements shall be void if inconsistent with this Scheme, but otherwise all such agreements shall have full force and effect and shall be deemed to apply to and bind all persons parties to such agreements and all successors in title to such persons.

## SUSPENSION AND APPLICATION OF ACTS AND BYELAWS.

(31)—(a) So far as necessary for the proper carrying out of this Scheme—

- (1) The following enactments contained in public general Acts shall be suspended in the area, namely :—

The Highway Act, 1835, in regard to the stopping up and diversion of highways, so far as regards the highways referred to in Clause 16 of this Scheme ; and Section 41 of the Public Health Acts (Amendment) Act, 1890, if and so far as the same is in force in the area ;

- (2) All other statutory enactments, not being contained in a public general Act, and all bye-laws, regulations, or other provisions under whatever authority made, which are in operation in the area, shall be suspended.

(b) Except as aforesaid and subject to the provisions of this Scheme all statutory enactments, bye-laws, regulations, or other provisions which are in operation in the area shall continue to be in full force therein, and nothing in this Scheme shall prevent the adoption or putting in force at any time in the area of any adoptive Act or of any part thereof, or the making of new bye-laws to apply therein. Provided that the adoption or putting in force of such Act and the making of such bye-laws shall have been confirmed and sanctioned as required by law.

(c) For the purposes of this Scheme Sections 8, 9, and 276 of the Birmingham Corporation (Consolidation) Act, 1883, shall be deemed to apply.

## DISPOSAL OR APPROPRIATION OF LANDS.

(32) Whenever in the area the Corporation may acquire any land under or for the purposes of this Scheme the Corporation may dispose of any part of such land not required for that purpose, or may apply such land not so required, or any part thereof, to some other purpose approved by the Board.

## RECOVERY OF EXPENSES BY CORPORATION FROM OWNERS.

(33)—(a) Where the Corporation have incurred expenses for the repayment whereof the owner of the premises deriving benefit therefrom or for or in respect of which the same shall have been incurred, is made liable under this Scheme or the Act of 1909, or by any agreement with the Corporation, such expenditure may be recovered in a Court of Summary Jurisdiction, together with interest at a rate not exceeding Five pounds per centum per annum from the date of service of a demand for the same till payment thereof from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and until recovery of such expenses and interest the same shall be a



charge on the premises deriving benefit therefrom, or for or in respect of which they were incurred. In all summary proceedings by the Corporation for the recovery of any such expenses the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

(b) The Corporation may by order declare any such expenses to be payable by annual instalments within a period not exceeding 30 years, with interest at a rate not exceeding £5 per centum per annum from the date of the service of notice of demand until the whole amount is paid, and any such instalments and interest or any part thereof may be recovered in a summary manner from the owner for the time being of such premises, and may be deducted from the rent of such premises in the same proportions as are allowed in the case of private improvement rates under the Public Health Act, 1875.

(c) The Corporation, if they think fit from time to time (in addition and without prejudice to any other remedy) may recover in a Court of Summary Jurisdiction or as a simple contract debt by action in any Court of competent jurisdiction from the owner for the time being of any such premises the whole or any portion of any such expenses and interest.

(d) Any expenses incurred by the Corporation under Section 57 of the Act of 1909 which are not expenses recoverable as hereinbefore provided, may be recovered by the Corporation in any Court of Summary Jurisdiction, or as a simple contract debt by action in any Court of competent jurisdiction, from the person by whom, at whose order, or on whose behalf, any building or other work contravening this Scheme shall have been erected or done, or whose duty it was to execute the work executed by the Corporation.

#### RECOVERY OF BETTERMENT.

(e) Where the value of any land is increased by the making of this Scheme, the sum lawfully required to be paid in respect of that increase shall, until payment, be a charge on the inheritance of such land, and such sum may if required to be paid otherwise than by instalments be dealt with and recovered in the same way that expenses may be dealt with and recovered under this clause, or if required to be paid by instalments, any arrears of such instalments may be dealt with and recovered in the same way as instalments of expenses in arrear may be dealt with and recovered under this clause.

#### APPEAL TO PETTY SESSIONAL COURT.

(34)—(a) Any person deeming himself aggrieved by—

- (1) Any delay of the Corporation in regard to commencing or completely constructing new streets as to which it is indicated in Clause 5 or Clause 6 of this Scheme that there may be an appeal ;



- (2) Any requirement of the Corporation under sub-clause (b) of Clause 7 of this Scheme ;
- (3) Any delay of the Corporation in giving any approval referred to in sub-clauses (b) and (d) of Clause 7 of this Scheme ;

may (in the case of an appeal against delay) after giving one calendar month's notice to the Corporation of his intention to appeal, or (in the case of an appeal against any requirement) within two calendar months from the date of such requirement, appeal to a Petty Sessional Court, and such Court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the Court shall seem just.

(b) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the Petty Sessional Court may direct.

#### APPEAL TO QUARTER SESSIONS.

(35) Any person deeming himself aggrieved by any conviction or order made by a Petty Sessional Court under or pursuant to the provisions of this Scheme may, if no other mode of appeal is provided by this Scheme or any Act of Parliament, appeal to the next practicable Court of Quarter Sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a Petty Sessional Court the Corporation may in like manner appeal, and the Court of Quarter Sessions shall accordingly be, and are hereby, empowered to deal with any such appeal as if it were an ordinary appeal under those Acts.

#### ACCOUNTS.

(36) All amounts recovered by the Corporation under Section 58 of the Act of 1909 in respect of the increase in value of property or received from owners as contributions towards the cost of street construction or from the sale of surplus lands or from any other source in connection with this Scheme, shall be applied in repayment of moneys borrowed under the Act of 1909 for purposes of this Scheme or to such other purposes as may be approved by the Board.

#### NOTICES.

(37) Notices under this Scheme must be in writing, and may be served on the Corporation by being delivered addressed to the Town Clerk at his office or on owners or occupiers by being sent by post addressed to them respectively, or to their respective agents, at the last known place of abode of business of such owners, occupiers, or agents.

INQUIRIES BY LOCAL GOVERNMENT BOARD.

(38) Section 85 of the Housing of the Working Classes Act, 1890, as amended by the Act of 1909, shall apply for any purposes of this Scheme as it applies for the purpose of the execution of the powers and duties of the Board under the former Act.

CONSENT OF CORPORATION TO BE IN WRITING.

(39) In all cases where the consent of the Corporation is required to be given under this Scheme, such consent shall be in writing and shall be either under the hand of the Town Clerk or the Seal of the Corporation.

EXCLUSION OF "GENERAL PROVISIONS."

(40) Any general provisions which may hereafter be made by the Board under Section 55 of the Act of 1909 shall be excluded from taking effect as part of this Scheme.

PROTECTION TO RAILWAY COMPANIES.

(41) Nothing in this Scheme contained shall be deemed to affect the user by a Railway Company for the purposes of their undertaking, other than the erection of dwelling-houses, of any lands owned by the Company at the date of the approval of the Scheme ; but, in the event of such lands being disposed of by the Company or being used or proposed to be used for the erection of dwelling-houses or being developed or proposed to be developed in a manner inconsistent with the use of the same for the purposes of the undertaking of the Company, any provisions of this Scheme which would but for this Clause affect the user of such lands shall thereupon apply to such lands : Provided that nothing in this Clause shall affect the construction of any street referred to in Clause 4 of this Scheme or shall prevent the provisions of Clauses 19 and 23 of this Scheme from applying to lands of a Railway Company.

DURATION OF SCHEME AND SHORT TITLE.

(42) This Scheme shall commence on the day on which it is approved by the Board, and shall continue in operation until varied by any subsequent Scheme, and may be cited as "The East Birmingham Town Planning Scheme."

Given under the Seal of Office of the Local Government Board, this Eighteenth day of August, in the year One thousand nine hundred and thirteen.

JOHN BURNS,  
*President.*

WALTER T. JERRED,  
*Assistant Secretary.*



## THE CASE FOR TOWN PLANNING.

On behalf of the Local Government Board it is hereby certified—

- (1) that notice of the intention of the Board to approve the Scheme referred to in the foregoing Order as modified and set out in the Schedule to the Order was published in the London Gazette and that objections were made thereto by certain persons interested within twenty-one days from the date of such publication ; and
- (2) that a draft of the Scheme was laid before each House of Parliament for the periods specified in Section 54 (4) and Section 55 (2) of the Housing, Town Planning, &c. Act, 1909, during the Session of Parliament and that no action was taken thereon by either House.

As witness my hand this 18th day of August, 1913.

WALTER T. JERRED,

*Assistant Secretary.*

*Acting on behalf of the Local Government Board under  
the authority of their General Order dated the  
26th day of May, 1877.*



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